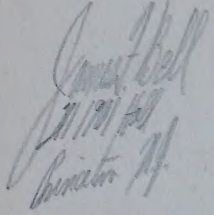
3-160



JEFFERSONIAN PRINCIPLES AND HAMILTONIAN PRINCIPLES

EXTRACTS FROM THE WRITINGS OF
THOMAS JEFFERSON
AND
ALEXANDER HAMILTON

Selected and Edited by

JAMES TRUSLOW ADAMS

NEW ONE-VOLUME EDITION

BOSTON
LITTLE, BROWN, AND COMPANY

Copyright, 1928,
BY JAMES TRUSLOW ADAMS

All rights reserved

THE ATLANTIC MONTHLY PRESS PUBLICATIONS
ARE PUBLISHED BY
LITTLE, BROWN, AND COMPANY
IN ASSOCIATION WITH
THE ATLANTIC MONTHLY COMPANY

PRINTED IN THE UNITED STATES OF AMERICA

JEFFERSONIAN PRINCIPLES

INTRODUCTION

The extracts gathered in this small volume are intended to illustrate the mind and not the life of Thomas Jefferson. They are not meant to be a footnote to history or to biography. The attempt has been made to select from Jefferson's writings those passages which give expression to his more general thoughts on politics, government, religion, education, and the art of living. Some of these expressions are found linked with great occasions, as in the Declaration of Independence or his First Inaugural as President, though such occasions did not always call forth such generalizations. At other times they occur in personal letters in connection with minor matters in Jefferson's own life or that of the nation. It will thus be found that a number of important events or decisions are not even mentioned here, such as Jefferson's Embargo policy. Had the intention been to explain his actions at important crises or to trace the intellectual background of his action through life, the choice would have had to be made on a wholly different system. It is hoped, however,

that the selections may give the reader a clear notion of such fundamental ideas and principles as formed the foundation for all Jefferson's actions, so far as a statesman can guide himself in all details of practical life by the ideals of which he approves. Every public man in high office has been confronted from time to time by conditions which have necessitated compromise, not involving personal honor but involving what critics who have never themselves been placed in similar situations may consider as time-serving reversals of general principles to meet the exigencies of particular instances. As this volume is not biographical, it is no part of the editor's task to narrate or appraise the public services of Jefferson, but merely to elucidate, to some extent, his expressed philosophy and opinions.

In Jefferson's political thinking the fundamental postulate was his belief in the latent honesty and ability of the average man, of man as man, regardless of social position, education, wealth, or other opportunities. Take away this corner stone of his beliefs and all the rest of the structure falls to the ground. It must not be thought, however, in spite of the "glittering generalities" of the Declaration of Independence,

that Jefferson thought that all men, under all conditions, exhibited these qualities sufficiently to make them capable of the self-governing system he conceived as the best for them when at their best themselves. He distinctly avowed the contrary in speaking of the peoples of certain other countries. He also prophesied that, should the open spaces of America be filled up and the people turn from agriculture to industrialism in crowded cities, they would then become corrupt as in other lands. Moreover, he admitted, by implication, that even in the agricultural United States of his day the people would not always be right. His theory of majority rule implied that there might be a very large minority of the people who might decide questions wrongly. Indeed, when speaking of the necessity of protecting the rights of the minority, he again implies that even the majority of the people might decide wrongly. He had spent years in France when the French Revolution was brewing. He had followed its subsequent course closely. He also knew the frontiersmen, slaves, and lower town-classes of his own country. He never enunciated the belief that under any and all circumstances *vox populi* must of necessity be *vox Dei*.

What he did claim, however, was that man inherently possesses the qualities which make him capable of self-government, that when he exhibits those qualities he should be allowed to govern himself, and that, in the America of his own day, the Americans of most classes did exhibit those qualities and were entitled to self-government. It was in these general and specific beliefs and his willingness to put them into practice that he differed from most of the statesmen of his time.

It was the belief in the inherent capacity of man as man to be, under the right conditions, a rational and right-willing creature, which led him to certain other beliefs. The first of these was that, as far as possible and as rapidly as possible, the right conditions should be brought about and the capacities of all men developed. Clearly servitude should be done away with, and Jefferson was a lifelong opponent of African slavery. He realized that for the good of both races emancipation must be gradual and he did his best to bring it about. In this he failed, almost by accident, and in the absence of any general change in condition he well understood that for the most part individual slaves freed in the South would not be better but worse off

and that to sell his own to another man would merely deprive them of a good master for an uncertain fate. The fact that, under the conditions, he continued to own slaves himself does not invalidate the sincerity of his efforts in the legislature, and later the exertion of his personal influence, to secure the legal abolition of the entire system. Closely allied to his desire to abolish slavery, and derived from the same belief in the intrinsic worth of every man, was his desire to abolish the legal right of primogeniture and the entailing of estates. This, unlike the abolition of slavery, he was able to enact into law. Both efforts had the same foundation, the desire to do away with any artificial restrictions on the development of each individual to his fullest capacity, and the desire to make opportunities equal as far as artifice permitted and nature did not reject.

The second belief he derived from that in the innate capacity of man was a belief in the value of education and the need of a comprehensive system of common schools, maintained at the expense of the community, giving to every child, rich and poor, sufficient education to make him capable of exercising rightly his duties as a citizen, and culminating for those worthy of it

in the higher education in a state university. His father had had but little schooling and was a self-educated man. Jefferson himself, if not the profoundest thinker of his age and country, was probably its most broadly cultivated man. A fair musician, an unusually good architect, interested in all the scientific thought of the day, a wide reader in French, English, and classical literatures, a deep student of government, and a man who had had peculiar opportunities for studying governments and revolutionary movements on two continents, he never lost his belief in the value and influence of education. The conditions of his day were comparatively simple, but in his insistence on man's innate right-mindedness and capacity for self-government, and the need, on the one hand, for doing away with any hampering economic conditions then existing, and on the other, the fostering of man's capacities by education, he clearly showed the trend of his thought.

Following the argument, namely: that man is innately capable of self-government under the right conditions; that, for the great majority of Americans at that time, conditions were right; and that they should be made better

for all by the abolition of slavery, entail, and other hindrances, and the educating of all classes, he went on logically to other conclusions. Man should enjoy as perfect liberty, both religious and political, as he was capable of, and in America, Jefferson believed, he was capable of an almost unlimited amount of each. In accordance with this belief, Jefferson struggled for complete religious toleration in his own state and secured the passage of the broadest law of any of the United States at the time. As for political liberty, he always fought for as great a measure as was compatible with men living in civilized social contacts, retaining unlimited faith, undimmed to the end, in the use which his fellow citizens would make of it.

From all these premises, so naturally growing out of one another, he derived his general ideas on the nature of government. In his First Inaugural he summed up the function of government, briefly, as the prevention of men from injuring one another, and although he elaborated this to include a number of functions in practice, he always believed that there should be as little government as possible. He believed men to be capable of regulating their own concerns wisely and honestly, and that

government should attempt to accomplish for them only certain acts in their corporate capacity, which, as scattered and noncoöperating individuals, they could not accomplish for themselves. He believed a certain minimum activity of government thus to be necessary, but that did not invalidate in his opinion the fact that government was an evil, though a necessary one, and that its powers and activities should always be jealously kept down to the very lowest point possible, so as to infringe as little as might be on the complete independence and liberty of the free-willing and acting individual.

Considering government thus to be not something imposed on mankind by a select minority of the wise and good for the benefit of the less fit, capable, and honest multitude, but something which that multitude itself should manage solely for its own benefit and by itself, he believed that such government as there was should always be kept as closely under the control of the multitude as was possible. This was the reason for many of his doctrines enounced in detail, such as his desire to entrust as little power as possible to the Federal government and not only keep as much as possible in the hands of the state governments but to carry the

downward gradation still further. Opposed as he was to much in the New England system of political thought, he was always a great admirer of the town government of that section. He would have the smallest local political unit administer all the governmental functions it was capable of. Only such functions as it could not perform should, as a necessary evil, be passed to the next higher unit, and so on. As he saw it, there was almost nothing of which the highest local units, the states, were not capable of attending to except foreign policy and a very few of the most general concerns of the nation as united. This same idea, of keeping the government always as close to the people as possible, was at the bottom of his belief in short terms of office, especially of his strong belief, expressed again and again throughout life, that the President should not be eligible for more than one reëlection. He himself declined to run for a third term and he felt that the possibility some day of an ambitious man trying to do so was one of the greatest dangers to be feared for the liberties of the country. It was this belief, again, that was at the root of another secondary belief, frequently elaborated in his letters. This was that no government had the right to incur

debts for a longer period than one generation, and that each generation should pay its way completely as it went, as much in its corporate as in its individual life. In fact he expanded this doctrine rather fantastically, so as to suggest that even the Constitution should be revised every twenty years, or whatever might be considered the life of a generation, so as not to infringe on the liberties of the next.

Jefferson's whole system of political thought, with its many practical applications, becomes clear if we keep the above fundamental beliefs of his in mind. They were beliefs in which he never wavered in spite of all he had himself seen of the excesses and stupidities to which man in the mass might commit himself, both in France and elsewhere. Mere revolution and even a certain amount of violence did not disturb his philosophy. He went so far as to say that perhaps a bit of revolution every twenty years or so was desirable, as indicating vitality of liberty in the body politic.

Although Jefferson stood for democracy, he himself was an aristocrat. He might preach the gospel of the rights of the common man and express his disdain, in a democracy, for titles and many of the social conventions, but he was

far from the nature of the common man himself. His own home at Monticello, which, as well as the buildings of the University of Virginia, was designed by him, shows an exquisitely refined taste. His letters reveal a man not only of intellectual ability but of literary cultivation and trained appreciation. In his open-handed hospitality, his unfailing courtesy, and ungrudging generosity to all who came or wrote to him after he became famous, and in his incurring of heavy debts for what he considered the higher purposes of his own life, there was nothing of the plebeian or of the calculating prudence of the cautious middle class. Perhaps the aristocratic quality in him came out most strongly in his utter disdain of what the people had to say of him, and no other man of his day was more bitterly assailed, not only in press but in pulpit. He would condescend neither to retaliate nor to explain.

Some of the undeserved obloquy thrown upon him by clergymen who should have known better has clung to him to this day, and the extracts here given of his thoughts on religion may come as a surprise to many. Not long ago, a man who claims to be intelligent and well-read insisted to me that Jefferson was an atheist. That was

the accusation hurled at him constantly through life from the New England pulpits, but he always simply said that his religion was a matter between himself and God, and refused to throw back mud at the scurrilous ministers who prostituted their high office. In reality, religion — not theology — occupied much of his thoughts, even during the busy years of the presidency.

In the last section I have gathered together a few scattered thoughts on the conduct of life. Most of these are taken from letters written to young people, of whom he was always fond, and were penned during his maturer years.

If Jefferson could return to-day to see the country for which he gave the best efforts of his entire life, it would be impossible to tell what he might say. He would find conditions so altered that his own opinions on many topics might have to be altered also. He himself explicitly warned us not to live in the past nor to guide ourselves too much by the opinions of "the fathers." Keenly interested in science and in every new invention, he would marvel at the progress made in applied knowledge, but his mind was direct and his philosophy simple, and it is not likely that he would long

be dazzled by the material triumphs of his countrymen. He would press forward at once to inquire into the fundamental problems of government and human nature.

He would find that great progress had been made in removing the handicaps from which the less fortunate had suffered. Slavery he would find to his joy had been abolished, though he would properly realize at once the intense gravity of the race problem which has been left in its place. He would also see that one of the things he most feared had come to pass and, so far from being an agricultural country, more than one half of the people were now living in cities, the very condition which he feared might spell the ruin of popular government and make men unfit to govern themselves. He would also see that free public education had been carried to a height almost undreamed of by him, yet he would realize that its results have been disappointing. He would observe that schools and colleges may make people literate but cannot make them learned or wise, and that the mass of the people whom he would have educated with such care for the purpose of making them wise citizens preferred reams of the headline-tabloid press and sensational

movies to any five minutes of genuine consecutive thought. He would find the functions of the central government swollen to a degree that he never dreamed of, and, on the other hand, the governments in many cases nearest to the people, municipal and state, the most full of rottenness. He would find that some of the liberties for which he fought hardest and which he believed the common man most cared for, liberty of speech and liberty of the press, for example, had been discarded by them to a great extent without a thought or regret on the part of most of them. He would find a world in which his doctrine of democracy was on trial in public opinion as it had scarcely been before since his own generation. What would he say?

It is impossible to tell, but that he would go over to the side of Hamilton is unlikely. The difference between the two men was a matter of temperament, to give the whole obscure complex of reactions some name. It may have been due, according to modern biographic jargon, to blood pressure, glands, or what you will, but it was the difference between the man who instinctively fears and him who instinctively trusts. Jefferson's faith in man surmounted all he saw in the French Revolution.

It surmounted Shays's Rebellion. It surmounted all that he, an aristocrat to his finger tips, whatever his origin, well knew of the nature of that common man with whom he was so well acquainted. The balance sheet to-day of gains and losses is by no means clear. Perhaps no form of government can be permanent, and man is doomed to whirl forever down eternal cycles of change. No one can yet say whether democracy is going to fail or succeed. The question is still as open to dispute as it was in 1789. The problem which Hamilton and Jefferson fought over — can the common man be trusted to govern himself and others? — is still a living one. With all its increased complexity, it is the same old problem, and it is probable that, were they both alive to-day, Hamilton and Jefferson would be found fighting on the same sides on which they fought a hundred and more years ago.

If so, as all Jefferson's political philosophy springs, as we have tried very briefly to show, from his belief in the ability and right-willing of the common man, the main outlines of his attitude to-day would not be difficult to define. His opinions might be altered on details, but his faith in the common man would probably

remain unaltered, and the same corollaries would flow from the fundamental fact in his thinking as flowed before. These would be: to keep government as close to the people as possible; to limit its functions as much as possible; to knock off as many shackles on the free development of the individual as possible; to give him as much and as *fit* education as possible; and to preserve to him as much freedom of thought, speech, action, taste, and habit as possible; to limit government debt and expenditure as much as possible; to re-arouse in the individual a sense of independence and self-reliance as much as possible; and to free intercourse with foreign nations as much as possible. And that "as much as possible" would be an extent far beyond what would be considered feasible by the cautious and conservative. We cannot, of course, say, but a careful study of the man's whole writings, of his opinions on all the problems of his own day, and of his reactions to all opposing conditions which might have been expected to alter — if anything would — those opinions, indicates that something like the above would be the platform on which Jefferson would appeal to the people to-day.

JAMES TRUSLOW ADAMS

CHRONOLOGY

1743 April 2, born at Shadwell, Albemarle County, Virginia.
1757 His father, Peter Jefferson, died.
1767 Admitted to the bar in Virginia.
1769 Became member of the House of Burgesses.
1772 January 1, married Mrs. Martha Skelton.
Moved to Monticello.
1774 Wrote draft of instructions for Virginia delegates to Congress.
1775 Member of the Virginia Convention.
Member of the Continental Congress.
1776 Wrote Declaration of Independence.
Resigned from Congress.
Reëlected to the Virginia legislature.
1776/7 On committee to revise laws and constitution of Virginia.
1779 Elected Governor of Virginia.
1782 Wife died.
1783 Elected to Congress.
1784/9 In France as Minister Plenipotentiary.
1789 Appointed Secretary of State.
1794 Resigned from the Cabinet.
1796 Elected Vice President of the United States.
1798 Wrote the Kentucky Resolutions.
1800 Elected President of the United States.
1804 Reëlected President.
1809 Refused renomination and retired to Monticello.
1826 July 4, died.

NOTE

Unless specifically noted otherwise, the citations for all the selections are to the volumes and page numbers of the edition of Jefferson's writings edited by Paul Leicester Ford, in ten volumes, published by G. P. Putnam's Sons, 1892.

In quoting, I have in no case changed the text in any particular except occasionally to expand a contraction, such as *government* for *govt.*, *them* for *ym*, etc.

J. T. A.

CONTENTS

	PAGE
Introduction	v
Chronology	xxi
Political Principles and Practice . .	1
Education and Religion	115
The Art of Living	149

POLITICAL PRINCIPLES AND PRACTICE

POLITICAL PRINCIPLES AND PRACTICE

Fundamental Ideas on Government

We hold these truths to be self-evident that all men are created equal; that they are endowed by their creator with inherent & inalienable rights, that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their happiness. Prudence indeed will dictate that governments long established should not be changed for light and transient causes: and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which

they are accustomed. But when a long train of abuses and usurpations begun at a distinguished period and pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security. — *Declaration of Independence.* Vol. II, pp. 43–45. [This is from one of the copies in Jefferson's own handwriting, representing the form in which it was transmitted from the committee to Congress. — Ed.]

The Sum of Good Government

With all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens, a wise & frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry & improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, & this is necessary to close the circle of our felicities. — *First Inaugural Address*, March 4, 1801. Vol. VIII, p. 4.

JEFFERSONIAN PRINCIPLES

The Essential Principles of the American Government

It is proper you should understand what I deem the essential principles of this government and consequently those which ought to shape its administration.

I will compress them in the narrowest compass they will bear, stating the general principle, but not all it's limitations.

Equal and exact justice to all men, of whatever state or persuasion, religious or political:

Peace, commerce, and honest friendship with all nations, entangling alliances with none:

The support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti republican tendencies:

The preservation of the General government, in it's whole constitutional vigor, as the sheet anchor of our peace at home, and safety abroad.

A jealous care of the right of election by the people, a mild and sage corrective of abuses, which are lopped by the sword of revolution, where peaceable remedies are unprovided.

Absolute acquiescence in the decisions of the Majority the vital principle of republics, from

which is no appeal but to force, the vital principle and immediate part of despotism.

A well disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them: The Supremacy of the Civil over the Military authority:

Economy in public expense, that labor may be lightly burthened:

The honest paiment of our debts and sacred preservation of the public faith:

Encouragement of Agriculture, and of Commerce as it's handmaid:

The diffusion of information, and arraignment of all abuses at the bar of the public reason:

Freedom of Religion, freedom of the press, and freedom of Person under the protection of the Habeas Corpus: And trial by juries, impartially selected. — *First Inaugural*, 1801. Vol. VIII, pp. 4–5.

On His Political Beliefs

I am for preserving to the States the powers not yielded by them to the Union, & to the legislature of the Union it's constitutional share in the division of powers; and I am not for transferring all the powers of the States to the general government, & all those of that govern-

mant to the Executive branch. I am for a government rigorously frugal & simple, applying all the possible savings of the public revenue to the discharge of the national debt; and not for a multiplication of offices & salaries merely to make partisans, & for increasing, by every device, the public debt, on the principle of it's being a public blessing. I am for relying, for internal defence, on our militia solely, till actual invasion, and for such a naval force only as may protect our seaports and harbors from such depredations as we have experienced; and not for a standing army in time of peace, which may overawe the public sentiment; nor for a navy, which, by it's own expenses and the eternal wars in which it will implicate us, will grind us with public burthens, & sink us under them. I am for free commerce with all nations; political connexion with none, & little or no diplomatic establishment. And I am not for linking ourselves by new treaties with the quarrels of Europe; entering that field of slaughter to preserve their balance, or joining in the confederacy of kings to war against the principles of liberty. I am for freedom of religion, & against all manœuvres to bring about a legal ascendancy of one sect over another; for

freedom of the press & against all violations of the constitution to silence by force & not by reason the complaints or criticism, just or unjust, of our citizens against the conduct of their agents. And I am for encouraging the progress of science in all it's branches; and not for raising a hue and cry against the sacred name of philosophy; for awing the human mind by stories of raw-head & bloody bones to a distrust of its own vision, & to repose implicitly on that of others; to go backwards instead of forwards to look for improvement; to believe that government, religion, morality, & every other science were in the highest perfection in ages of the darkest ignorance, and that nothing can ever be devised more perfect than what was established by our forefathers. To these I will add, that I was a sincere well-wisher to the success of the French revolution, and still wish it may end in the establishment of a free & well-ordered republic; but I have not been insensible under the atrocious depredations they have committed on our commerce. The first object of my heart is my own country. In that is embarked my family, my fortune, & my own existence. I have not one farthing of interest, nor one fibre of attachment out of it,

nor a single motive of preference of any one nation to another, but in proportion as they are more or less friendly to us. — *Letter to Elbridge Gerry*, January 26, 1799. Vol. VII, pp. 328–329.

On the People as the Source of Power

In every government on earth is some trace of human weakness, some germ of corruption and degeneracy, which cunning will discover, and wickedness insensibly open, cultivate and improve. Every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its only safe depositories. And to render them safe, their minds must be improved to a certain degree. This indeed is not all that is necessary, though it be essentially necessary. An amendment of our constitution must here come in aid of public education. The influence over government must be shared among all the people. If every individual which composes their mass participates of the ultimate authority, the government will be safe; because the corrupting the whole mass will exceed any private resources of wealth; and public ones cannot be provided but by levies on the people. In this case every man would have to pay his own price. . . . It has

been thought that corruption is restrained by confining the right of suffrage to a few of the wealthier of the people: but it would be more effectually restrained by an extension of that right to such numbers as would bid defiance to the means of corruption. — *Notes on Virginia.* Vol. III, pp. 254–255.

We think in America that it is necessary to introduce the people into every department of government as far as they are capable of exercising it; and that this is the only way to ensure a long continued & honest administration of it's powers. 1. They are not qualified to exercise themselves the Executive department; but they are qualified to name the person who shall exercise it. With us therefore they chuse this office every 4. years. 2. They are not qualified to Legislate. With us therefore they only chuse the legislators. 3. They are not qualified to *Judge* questions of *law;* but they are very capable of judging questions of *fact.* In the form of juries therefore they determine all matters of fact, leaving to the permanent judges to decide the law resulting from those facts. But we all know, that permanent judges acquire an *Esprit de corps*, that being known they are liable to be tempted by bribery, that

they are misled by favor, by relationship, by a spirit of party, by a devotion to the Executive or Legislative; that it is better to leave a cause to the decision of cross & pile, than to that of a judge biased to one side; and that the opinion of 12. honest jurymen gives still a better hope of right, than cross & pile does. It is left therefore to the juries, if they think the permanent judges are under any biass whatever in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges, and by the exercise of this power they have been the firmest bulwarks of English liberty. Were I called upon to decide whether the people had best be omitted in the Legislative or Judiciary department, I would say it is better to leave them out of the Legislature. The execution of the laws is more important than the making them. However it is best to have the people in all the three departments where that is possible. — *Letter to the Abbé Arnond*, July 19, 1789. Vol. V, pp. 103–104.

On Our Natural Aristocracy

I agree with you that there is a natural aristocracy among men. The grounds of this

are virtue and talents. Formerly, bodily powers gave place among the aristoi. But since the invention of gunpowder has armed the weak as well as the strong with missile death, bodily strength, like beauty, good humor, politeness and other accomplishments, has become but an auxiliary ground for distinction. There is also an artificial aristocracy, founded on wealth and birth, without either virtue or talents; for with these it would belong to the first class. The natural aristocracy I consider as the most precious gift of nature, for the instruction, the trusts, and government of society. And indeed, it would have been inconsistent in creation to have formed man for the social state, and not to have provided virtue and wisdom enough to manage the concerns of the society. May we not even say, that that form of government is the best, which provides the most effectually for a pure selection of these natural aristoi into the offices of government? The artificial aristocracy is a mischievous ingredient in government, and provision should be made to prevent its ascendency. On the question, what is the best provision, you and I differ; but we differ as rational friends, using the free exercise of our own reason, and mutually indulging its errors.

You think it best to put the pseudo-aristoi into a separate chamber of legislation, where they may be hindered from doing mischief by their co-ordinate branches, and where, also, they may be a protection to wealth against the Agrarian and plundering enterprises of the majority of the people. I think that to give them power in order to prevent them from doing mischief, is arming them for it, and increasing instead of remedying the evil. For if the co-ordinate branches can arrest their action, so may they that of the co-ordinates. Mischief can be done negatively as well as positively. Of this, a cabal in the Senate of the United States has furnished many proofs. Nor do I believe them necessary to protect the wealthy; because enough of these will find their way into every branch of the legislation, to protect themselves. From fifteen to twenty legislatures of our own, in action for thirty years past, have proved that no fears of an equalization of property are to be apprehended from them. I think the best remedy is exactly that provided by all our constitutions, to leave to the citizens the free election and separation of the aristoi from the pseudo-aristoi, of the wheat from the chaff. In general they will elect

the really good and wise. In some instances, wealth may corrupt, and birth blind them; but not in sufficient degree to endanger the society. . . .

With respect to aristocracy, we should further consider, that before the establishment of the American States, nothing was known to history but the man of the old world, crowded within limits either small or overcharged, and steeped in the vices which that situation generates. A government adapted to such men would be one thing; but a very different one, that for the man of these States. Here every one may have land to labor for himself, if he chooses; or, preferring the exercise of any other industry, may exact from it such compensation as not only to afford a comfortable subsistence, but wherewith to provide for a cessation from labor in old age. Every one, by his property, or by his satisfactory situation, is interested in the support of law and order. And such men may safely and advantageously reserve to themselves a wholesome control over their public affairs, and a degree of freedom, which, in the hands of the *canaille* of the cities of Europe, would be instantly perverted to the demolition and destruction of everything public

and private. — *Letter to John Adams*, October 28, 1814. Vol. IX, pp. 425–428.

On Natural and Artificial Aristocracies

In the earlier times of the colony when lands were to be obtained for little or nothing, some provident individuals procured large grants, and, desirous of founding great families for themselves, settled them on their descendants in fee-tail. The transmission of this property from generation to generation in the same name raised up a distinct set of families who, being privileged by law in the perpetuation of their wealth were thus formed into a Patrician order, distinguished by the splendor and luxury of their establishments. . . . To annul this privilege, and instead of an aristocracy of wealth, of more harm and danger, than benefit to society, to make an opening for the aristocracy of virtue and talent, which nature has wisely provided for the direction of the interests of society, & scattered with equal hand through all its conditions, was deemed essential to a well ordered republic. — *Autobiography*. Vol. I, p. 49. [On October 12, 1776, Jefferson introduced

a bill into the Virginia legislature, subsequently passed, declaring that tenants in tail should thereafter hold their lands in fee simple.—Ed.]

On Primogeniture

As the law of Descents, & the criminal law fell of course within my portion, I wished the committee to settle the leading principles of these, as a guide for me in framing them. And with respect to the first I proposed to abolish the law of primogeniture, and to make real estate descendible in parcenary to the next of kin, as personal property is by the statute of distribution. Mr. Pendleton wished to preserve the right of primogeniture, but seeing at once that that could not prevail, he proposed we should adopt the Hebrew principle, and give a double portion to the elder son. I observed that if the eldest son could eat twice as much, or do double work, it might be a natural evidence of his right to a double portion; but being on a par in his powers & wants, with his brothers and sisters, he should be on a par also in the partition of the patrimony, and such was the decision of the other members.

On the subject of the Criminal Law, all were agreed that the punishment of death should

be abolished, except for treason and murder; and that, for other felonies should be substituted hard labor in the public works, and in some cases, the Lex talionis. How this last revolting principle came to obtain our approbation, I do not remember. — *Autobiography*. Vol. I, pp. 59–60. [In 1779 Jefferson was a member of the legislative committee appointed to revise the state laws in Virginia. — Ed.]

On the Will of the Nation

We surely cannot deny to any nation that right where on our own government is founded, that every one may govern itself under whatever forms it pleases, and change these forms at its own will, and that it may transact it's business with foreign nations through whatever organ it thinks proper, whether King, convention, assembly, committee, President, or whatever else it may chuse. The will of the nation is the only thing essential to be regarded. — *Letter to the U. S. Minister to France*, December 30, 1792. Vol. VI, p. 149.

On Majority Rule

It is my principle that the will of the majority should always prevail. If they approve the

proposed Convention in all it's parts, I shall concur in it chearfully, in hopes that they will amend it whenever they shall find it work wrong. I think our governments will remain virtuous for many centuries; as long as they are chiefly agricultural; and this will be as long as there shall be vacant lands in any part of America. When they get piled upon one another in large cities, as in Europe, they will become corrupt as in Europe. Above all things I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty. — *Letter to James Madison*, December 20, 1787. Vol. IV, pp. 479–480.

On Majorities and Morality

I believe with you that morality, compassion, generosity, are innate elements of the human constitution; that there exists a right independent of force; that a right to property is founded in our natural wants, in the means with which we are endowed to satisfy these wants, and the right to what we acquire by those means without violating the similar rights of other sensible beings; that no one has a right

to obstruct another, exercising his faculties innocently for the relief of sensibilities made a part of his nature; that justice is the fundamental law of society; that the majority, oppressing an individual, is guilty of a crime, abuses its strength, and by acting on the law of the strongest breaks up the foundations of society; that action by the citizens in person, in affairs within their reach and competence, and in all others by representatives, chosen immediately, and removable by themselves, constitutes the essence of a republic. . . . — *Letter to P. S. DuPont de Nemours*, April 24, 1816. Vol. X, p. 24.

On Majorities and Minorities

During the contest of opinion through which we have passed, the animation of discussions and of exertions, has sometimes worn an aspect which might impose on strangers unused to think freely, and to speak and to write what they think.

But this being now decided by the voice of the nation, enounced according to the rules of the constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All

too will bear in mind the sacred principle that tho the will of the Majority is in all cases to prevail, that will, to be rightful, must be reasonable: that the Minority possess their equal rights, which equal laws must protect, and to violate would be oppression. — *First Inaugural*, 1801. Vol. VIII, p. 2.

On the Place of Fear in Government

If our government ever fails, it will be from this weakness. No government can be maintained without the principle of fear as well as of duty. Good men will obey the last, but bad ones the former only. — *Letter to John Wayles Eppes*, September 9, 1814. Vol. IX, p. 484.

On the Limits of Legislative Power

Our legislators are not sufficiently apprized of the rightful limits of their power; that their true office is to declare and enforce only our natural rights and duties, and to take none of them from us. No man has a natural right to commit aggression on the equal rights of another; and this is all from which the laws ought to restrain him; every man is under the natural duty of contributing to the necessi-

ties of the society; and this is all the laws should enforce on him; and, no man having a natural right to be the judge between himself and another, it is his natural duty to submit to the umpirage of an impartial third. When the laws have declared and enforced all this, they have fulfilled their functions, and the idea is quite unfounded, that on entering into society we give up any natural right. — *Letter to Francis W. Gilmer*, June 7, 1816. Vol. X, p. 32.

On Certain Rights

There are rights which it is useless to surrender to the government, and which governments have yet always been fond to invade. These are the rights of thinking, and publishing our thoughts by speaking or writing; the right of free commerce; the right of personal freedom. There are instruments for administering the government, so peculiarly trustworthy, that we should never leave the legislature at liberty to change them. The new constitution has secured these in the executive & legislative departments; but not in the judiciary. It should have established trials by the people themselves, that is to say by

jury. There are instruments so dangerous to the rights of the nation, and which place them so totally at the mercy of their governors, that those governors, whether legislative or executive, should be restrained from keeping such instruments on foot, but in well-defined cases. Such an instrument is a standing army. — *Letter to David Humphreys*, March 18, 1789. Vol. V, pp. 89–90.

On the Meaning of "Republic"

On this view of the import of the term *republic*, instead of saying, as has been said, "that it may mean anything or nothing," we may say with truth and meaning, that governments are more or less republican as they have more or less of the element of popular election and control in their composition; and believing, as I do, that the mass of the citizens is the safest depositary of their own rights, and especially, that the evils flowing from the duperies of the people, are less injurious than those from the egoism of their agents, I am a friend to that composition of government which has in it the most of this ingredient. And I sincerely believe, with you, that banking establishments are more dangerous than stand-

ing armies; and that the principle of spending money to be paid by posterity, under the name of funding, is but swindling futurity on a large scale. — *Letter to John Taylor*, May 28, 1816. Vol. X, p. 31.

On the Constitution

The three great questions of amendment [to the Federal Constitution] now before you, will give the measure of their strength. I mean, 1st, the limitation of the term of presidential service; 2d, the placing the choice of president effectually in the hands of the people; 3d, the giving to Congress the power of internal improvement, on condition that each State's federal proportion of the monies so expended, shall be employed within the State. . . . The real friends of the constitution in its federal form, if they wish it to be immortal, should be attentive, by amendments, to make it keep pace with the advance of the age in science and experience. . . . If I can see these three great amendments prevail, I shall consider it as a renewed extension of the term of our lease, shall live in more confidence, and die in more hope. — *Letter to Robert J. Garnett*, February 14, 1824. Vol. X, p. 295.

On a Strict Interpretation of the Constitution

I consider the foundation of the Constitution as laid on this ground: That "all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people." [XIIth amendment] To take a single step beyond the boundaries thus specifically drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition. The incorporation of a bank, and the powers assumed by this bill, have not, in my opinion, been delegated to the United States, by the Constitution. They are not among the powers specially enumerated. . . . Nor are they within either of the general phrases, which are the two following: — "To lay taxes to provide for the general welfare of the United States. . . . To make all laws necessary and proper for the carrying into execution of the enumerated powers. . . ." They can all be carried into execution without a bank. . . . It has been urged that a bank will give great facility or convenience in the collection of taxes. Suppose

this were true: yet the Constitution allows only the means which are "*necessary*," not those which are merely "convenient" for effecting the enumerated powers. If such a latitude of construction be allowed to this phrase as to give any non-enumerated power, it will go to every one, for there is not one which ingenuity may not torture into a *convenience* in some instance *or other*, to *some one* of so long a list of enumerated powers. It would swallow up all the delegated powers, and reduce the whole to one power, as before observed. Therefore it was that the Constitution restrained them to the *necessary* means, that is to say, to those means without which the grant of power would be nugatory. . . . Can it be thought that the Constitution intended that for a shade or two of *convenience*, more or less, Congress should be authorised to break down the most ancient and fundamental laws of the several States; such as those against Mortmain, the laws of Alienage, the rules of descent, the acts of distribution, the laws of escheat and forfeiture, the laws of monopoly? Nothing but a necessity invincible by any other means, can justify such a prostitution of laws, which constitute the pillars of our whole system of jurisprudence. Will Congress

be too straight-laced to carry the constitution into honest effect, unless they may pass over the foundation-laws of the State government for the slightest convenience of theirs? The negative of the President is the shield provided by the constitution to protect against the invasions of the legislature: 1. The right of the Executive. 2. Of the Judiciary. 3. Of the States and State legislatures. The present is the case of a right remaining exclusively with the States, and consequently one of those intended by the Constitution to be placed under its protection. It must be added, however, that unless the President's mind on a view of everything which is urged for and against this bill, is tolerably clear that it is unauthorised by the Constitution; if the pro and con hang so even as to balance his judgment, a just respect for the wisdom of the legislature would naturally decide the balance in favor of their opinion. It is chiefly for cases where they are clearly misled by error, ambition, or interest, that the Constitution has placed a check in the negative of the President. — *Opinion on the Constitutionality of a National Bank*, February 15, 1791. Vol. V, pp. 285–289.

On Constitutional Revision

Some men look at constitutions with sanctimonious reverence, and deem them like the arc of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well; I belonged to it, and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present; and forty years of experience in government is worth a century of book-reading; and this they would say themselves, were they to rise from the dead. I am certainly not an advocate for frequent and untried changes in laws and constitutions. I think moderate imperfections had better be borne with; because, when once known, we accomodate ourselves to them, and find practical means of correcting ther ill effects. But I know also, that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also,

and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors. . . . Let us, as our sister States have done, avail ourselves of our reason and experience, to correct the crude essays of our first and unexperienced, although wise, virtuous, and well, meaning councils. And, lastly, let us provide in our constitution [that of Virginia] for its revision at stated periods. What these periods should be, nature herself indicates. . . . [Every generation of nineteen years.] If this avenue [of legal revision] be shut to the call of sufferance, it will make itself heard through that of force, and we shall go on, as other nations are doing, in the endless circle of oppression, rebellion, reformation; and oppression, rebellion, reformation, again; and so on forever. — *Letter to Samuel Kercheval*, July 12, 1816. Vol. X, pp. 42–43.

On Revising the Virginia State Constitution

I shall hazard my own ideas to you as hastily as my business obliges me. I wish to preserve the line drawn by the federal constitution

between the general & particular governments as it stands at present, and to take every prudent means of preventing either from stepping over it. Tho' the experiment has not yet had a long enough course to shew us from which quarter encroachments are most to be feared, yet it is easy to foresee from the nature of things that the encroachments of the state governments will tend to an excess of liberty which will correct itself (as in the late instance) while those of the general government will tend to monarchy, which will fortify itself from day to day, instead of working its own cure, as all experience shews. I would rather be exposed to the inconveniencies attending too much liberty than those attending too small a degree of it. Then it is important to strengthen the state governments: and as this cannot be done by any change in the federal constitution, (for the preservation of that is all we need contend for,) it must be done by the states themselves, erecting such barriers at the constitutional line as cannot be surmounted either by themselves or by the general government. The only barrier in their power is a wise government. A weak one will lose ground in every contest. To obtain a wise & an able government, I consider

the following changes as important. Render the legislature a desirable station by lessening the number of representatives (say to 100) and lengthening somewhat their term, and proportion them equally among the electors: adopt also a better mode of appointing Senators. Render the Executive a more desirable post to men of abilities by making it more independent of the legislature. To wit, let him be chosen by other electors, for a longer time, and ineligible for ever after. Responsibility is a tremendous engine in a free government. Let him feel the whole weight of it then by taking away the shelter of his executive council. Experience both ways has already established the superiority of this measure. Render the Judiciary respectable by every possible means, to wit, firm tenure in office, competent salaries, and reduction of their numbers. Men of high learning and abilities are few in every country; — by taking in those who are not so, the able part of the body have their hands tied by the unable. This branch of the government will have the weight of the conflict on their hands, because they will be the last appeal of reason. — *Letter to Archibald Stuart*, December 23, 1791. Vol. V, pp. 409–410.

The true foundation of republican government is the equal right of every citizen, in his person and property, and in their management. Try by this, as a tally, every provision of our constitution, and see if it hangs directly on the will of the people. Reduce your legislature to a convenient number for full, but orderly discussion. Let every man who fights or pays, exercise his just and equal rights in their election. Submit them to approbation or rejection at short intervals. Let the executive be chosen in the same way, and for the same term, by those whose agent he is to be; and leave no screen of a council behind which to skulk from responsibility. It has been thought that the people are not competent electors of judges *learned in the law*. But I do not know that this is true, and, if doubtful, we should follow principle. In this, as in many other elections, they would be guided by reputation, which would not err oftener, perhaps, than the present mode of appointment. In one State of the Union, at least, it has long been tried, and with the most satisfactory success. . . .

Nomination to office is an executive function. To give it to the legislature, as we do, is a violation of the principle of the separation of

powers. It swerves the members from correctness, by temptations to intrigue for office themselves, and to a corrupt barter of votes; and destroys responsibility by dividing it among a multitude. . . . — *Letter to Samuel Kercheval*, July 12, 1816. Vol. X, pp. 39–40.

On the Division of Governmental Powers

It is not by the consolidation, or concentration of powers, but by their distribution, that good government is effected. Were not this great country already divided into states, that division must be made, that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority. Every state again is divided into counties, each to take care of what lies within it's local bounds; each county again into townships or wards, to manage minuter details; and every ward into farms, to be governed each by it's individual proprietor. Were we directed from Washington when to sow, & when to reap, we should soon want bread. It is by this partition of cares, descending in gradation from general to particular, that the mass of human affairs may be

best managed for the good and prosperity of all. — *Autobiography*. Vol. I, p. 113.

I think it very material to separate in the hands of Congress the Executive & Legislative powers, as the Judiciary already are in some degree. This I hope will be done. The want of it has been a source of more evil than we have experienced from any other cause. Nothing is so embarrassing nor so mischievous in a great assembly as the details of execution. The smallest trifle of that kind occupies as long as the most important act of legislation, & takes place of everything else. Let any man recollect, or look over, the files of Congress, he will observe the most important propositions hanging over from week to week & month to month, till the occasions have past them, & the thing is never done. I have ever viewed the executive details as the greatest cause of evil to us, because they in fact place us as if we had no federal head, by diverting the attention of that head from great to small objects; and should this division of power not be recommended by the Convention, it is my opinion Congress should make it itself by establishing an Executive committee. — *Letter to Edward*

Carrington, August 4, 1787. Vol. IV, pp. 424–425.

On the Powers of the Federal Government

Resolved, That the several States composing the United States of America, are not united on the principle of unlimited submission to their general government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes, — delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force: that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party: that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of com-

pact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

Resolved, That the Constitution of the United States having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies, and felonies committed on the high seas, and offences against the law of nations, and no other crimes whatsoever; and it being true as a general principle, and one of the amendments to the Constitution having also declared, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," therefore . . . that the power to create, define, and punish such other crimes is reserved, and, of right, appertains solely and exclusively to the respective States, each within its own territory.

Resolved, . . . that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the States, all lawful powers respecting the same did of right remain, and were reserved to the

States or the people: that thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far those abuses which cannot be separated from their use should be tolerated, rather than the use destroyed. . . .

Resolved, That the construction applied by the General Government . . . to those parts of the Constitution of the United States which delegate to Congress a power "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States," and "to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the government of the United States, or in any department or officer thereof," goes to the destruction of all limits prescribed to their power by the Constitution: that words meant by the instrument to be subsidiary only to the execution of limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part to be so taken as to destroy the whole residue of that instrument. . . .

Resolved, That . . . where powers are assumed which have not been delegated, a nullification is the rightful remedy. . . . — *Draft of the Kentucky Resolutions*. Vol. VII, pp. 289–301.

On State Governments

The true barriers of our liberty in this country are our State governments; and the wisest power ever contrived by man, is that of which our Revolution and present government found us possessed. Seventeen distinct States, amalgamated into one as to their foreign concerns, but single and independent as to their internal administration, regularly organized with legislature and governor resting on the choice of the people, and enlightened by a free press, can never be so fascinated by the arts of one man, as to submit voluntarily to his usurpation. Nor can they be constrained to it by any force he can possess. While that may paralyze the single State in which it happens to be encamped, sixteen others, spread over a country of two thousand miles diameter, rise up on every side, ready organized for deliberation by a constitutional legislature, and for action by their governor, constitutionally the commander of the

militia of the State, that is to say, of every man in it able to bear arms. . . .

Dangers of another kind might more reasonably be apprehended from this perfect and distinct organization, civil and military, of the States; to wit, that certain States from local and occasional discontents, might attempt to secede from the Union. This is certainly possible; and would be befriended by this regular organization. But it is not probable that local discontents can spread to such an extent, as to be able to face the sound parts of so extensive an Union. — *Letter to A. C. V. Destutt De Tracy*, January 26, 1811. Vol. IX, pp. 308–309.

On the Central and State Governments

Our country is too large to have all its affairs directed by a single government. Public servants at such a distance, & from under the eye of their constituents, must, from the circumstances of distance, be unable to administer & overlook all the details necessary for the good government of the citizens, and the same circumstance, by rendering detection impossible to their constituents, will invite the public agents to corruption, plunder & waste. And I

do verily believe, that if the principle were to prevail, of a common law being in force in the U. S. (which principle possesses the general government at once of all the powers of the state governments, and reduces us to a single consolidated government,) it would become the most corrupt government on the earth. You have seen the practises by which the public servants have been able to cover their conduct, or, where that could not be done, delusions by which they have varnished it for the eye of their constituents. What an augmentation of the field for jobbing, speculating, plundering, office-building & office-hunting would be produced by an assumption of all the state powers into the hands of the general government. The true theory of our constitution is surely the wisest & best, that the states are independent as to everything within themselves, & united as to everything respecting foreign nations. Let the general government be reduced to foreign concerns only, and let our affairs be disentangled from those of all other nations, except as to commerce, which the merchants will manage the better, the more they are left free to manage for themselves, and our general government may be reduced to a very simple organization, &

a very unexpensive one. — *Letter to Gideon Granger*, August 13, 1800. Vol. VII, pp. 451–452.

On Coöperation with the State Governors

Your opinion of the propriety & advantage of a more intimate correspondence between the executives of the several States, & that of the Union, as a central point, is precisely that which I have ever entertained; and on coming into office I felt the advantages which would result from that harmony. I had it even in contemplation, after the annual recommendation to Congress of those measures called for by the times, which the Constitution had placed under their power to make communications in like manner to the executives of the States, as to any parts of them to which the legislatures might be alone competent. For many are the exercises of power reserved to the States, wherein an uniformity of proceeding would be advantageous to all. Such are quarantines, health laws, regulations of the press, banking institutions, training militia, &c., &c. But you know what was the state of the several governments when I came into office. That a

great proportion of them were federal, & would have been delighted with such opportunities of proclaiming their contempt, & of opposing republican men & measures. Opportunities so furnished & used by some of the State Governments, would have produced an ill effect, & would have insured the failure of the object of uniform proceeding. — *Letter to James Sullivan*, June 19, 1807. Vol. IX, p. 76.

On the Judiciary

There was another amendment of which none of us thought at the time [1] and in the omission of which lurks the germ that is to destroy this happy combination of National powers in the General government for matters of National concern, and independent powers in the states for what concerns the states severally. In England it was a great point gained at the Revolution, that the commissions of the judges, which had hitherto been during pleasure, should thenceforth be made during good behavior. A Judiciary dependent on the will of the King had proved itself the most oppressive of all tools in the hands of that Magistrate. Nothing then could be more salutary than a change there

[1] The adoption of the Federal Constitution.

to the tenure of good behavior; and the question of good behavior left to the vote of a simple majority in the two houses of parliament. Before the revolution we were all good English Whigs, cordial in their free principles, and in their jealousies of their executive Magistrate. These jealousies are very apparent in all our state constitutions; and, in the general government in this instance, we have gone even beyond the English caution, by requiring a vote of two thirds in one of the Houses for removing a judge; a vote so impossible where any defence is made, before men of ordinary prejudices & passions, that our judges are effectually independent of the nation.[1] But this ought not to be. I would not indeed make them dependent on the Executive authority, as they formerly were in England; but I deem it indispensable to the continuance of this government that they should be submitted to some practical & impartial controul: and that this, to be impartial, must be compounded of a mixture of state and federal authorities. It is not enough that honest men are appointed judges. All know

[1] In the impeachment of judge Pickering of New Hampshire, a habitual & maniac drunkard, no defence was made. Had there been, the party vote more than one third of the Senate would have acquitted him. T. J.

the influence of interest on the mind of man, and how unconsciously his judgment is warped by that influence. To this bias add that of the esprit de corps, of their peculiar maxim and creed that "it is the office of a good judge to enlarge his jurisdiction," and the absence of responsibility, and how can we expect impartial decision between the General government, of which they are themselves so eminent a part, and an individual state from which they have nothing to hope or fear. We have seen too that, contrary to all correct example, they are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for further advances of power. They are then in fact the corps of sappers & miners, steadily working to undermine the independent rights of the States, & to consolidate all power in the hands of that government in which they have so important a freehold estate. . . . I repeat that I do not charge the judges with wilful and ill-intentioned error; but honest error must be arrested where it's toleration leads to public ruin. As, for the safety of society, we commit honest maniacs to Bedlam, so judges should be withdrawn from their bench, whose erroneous biases are leading

us to dissolution. — *Autobiography*. Vol. I, pp. 111–114.

The dignity and stability of government in all its branches, the morals of the people, and every blessing of society, depend so much upon an upright and skilful administration of justice, that the judicial power ought to be distinct from both the legislature and executive, and independent upon both, that so it may be a check upon both, as both should be checks upon that. The judges, therefore, should always be men of learning and experience in the laws, of exemplary morals, great patience, calmness and attention; their minds should not be distracted with jarring interests; they should not be dependent upon any man or body of men. To these ends they should hold estates for life in their offices, or, in other words, their commissions should be during good behavior, and their salaries ascertained and established by law. — *Letter to George Wythe*, July [?] 1776. Vol. II, p. 59.

On the Treaty-making Power

He [Minister Genet] asked if they [Congress] were not the sovereign. I told him so, [*sic*] they

were sovereign in making laws only, the executive was sovereign in executing them, and the judiciary in construing them where they related to their department. "But," said he, "at least, Congress are bound to see that the treaties are observed." I told him no; there were very few cases indeed arising out of treaties, which they could take notice of; that the President is to see that treaties are observed. "If he decides against the treaty, to whom is a nation to appeal?" I told him the constitution had made the President the last appeal. — *The Anas.* Vol. I, p. 239.

I insisted that in giving to the President & Senate a power to make treaties, the constitution meant only to authorize them to carry into effect by way of treaty any powers they might constitutionally exercise. I was sensible of the weak points in this position, but there were still weaker in the other hypotheses, and if it be impossible to discover a rational measure of authority to have been given by this clause, I would rather suppose that the cases which my hypothesis would leave unprovided, were not thought of by the Convention, or if thought of, could not be agreed on, or were thought on

and deemed unnecessary to be invested in the government. Of this last description were treaties of neutrality, treaties of offensive & defensive &c. In every event I would rather construe so narrowly as to oblige the nation to amend and thus declare what powers they would agree to yield, than too broadly & indeed so broadly as to enable the Executive and Senate to do things which the constitution forbids. — *The Anas.* Vol. I, p. 269.

On the Constitution and Presidential Term

I am not a Federalist, because I never submitted the whole system of my opinions to the creed of any party of men whatever in religion, in philosophy, in politics, or in anything else where I was capable of thinking for myself. Such an addiction is the last degradation of a free and moral agent. If I could not go to heaven but with a party, I would not go there at all. Therefore I protest to you I am not of the party of the federalists. But I am much farther from that of the Antifederalists. I approved, from the first moment, of the great mass of what is in the new constitution, the

consolidation of the government, the organization into Executive legislative & judiciary, the subdivision of the legislative, the happy compromise between the great & little states by the different manner of voting in the different houses, the voting by persons instead of states, the qualified negative on laws given to the Executive, which however I should have liked better if associated with the judiciary also as in New York, and the power of taxation. I thought at first that the latter might have been limited. A little reflection soon convinced me it ought not to be. What I disapproved from the first moment also was the want of a bill of rights to guard liberty against the legislative as well as executive branches of the government, that is to say to secure freedom in religion, freedom of the press, freedom from monopolies, freedom from unlawful imprisonment, freedom from a permanent military, and a trial by jury in all cases determinable by the laws of the land. I disapproved also the perpetual reeligibility of the President. To these points of disapprobation I adhere. . . . With respect to re-eligibility of the president, I find myself differing from the majority of my countrymen, for I think there are but three

states out of the 11. which have desired an alteration of this. And indeed, since the thing is established, I would wish it not to be altered during the life of our great leader, whose executive talents are superior to those I believe of any man in the world, and who alone by the authority of his name and the confidence reposed in his perfect integrity, is fully qualified to put the new government so under way as to secure it against the efforts of opposition. But having derived from our error all the good there was in it I hope we shall correct it the moment we can no longer have the same name at the helm. — *Letter to Francis Hopkinson*, March 13, 1789. Vol. V, pp. 76–78.

On the Presidential Term

The second feature I dislike, and greatly dislike, is the abandonment in every instance of the necessity of rotation in office, and most particularly in the case of the President. Experience concurs with reason in concluding that the first magistrate will always be re-elected if the Constitution permits it. He is then an officer for life. This once observed, it becomes of so much consequence to certain nations to have a friend or a foe at the head

of our affairs that they will interfere with money & with arms. A Galloman or an Angloman will be supported by the nation he befriends. If once elected, and at a second or third election out voted by one or two votes, he will pretend false votes, foul play, hold possession of the reins of government, be supported by the States voting for him, especially if they are the central ones lying in a compact body themselves & separating their opponents: and they will be aided by one nation of Europe, while the majority are aided by another. The election of a President of America some years hence will be much more interesting to certain nations of Europe than ever the election of a king of Poland was. Reflect on all the instances in history antient & modern, of elective monarchies, and say if they do not give foundation for my fears. The Roman emperors, the popes, while they were of any importance, the German emperors till they became hereditary in practice, the kings of Poland, the Deys of the Ottoman dependencies. It may be said that if elections are to be attended with these disorders, the seldomer they are renewed the better. But experience shews that the only way to prevent disorder is to render them

uninteresting by frequent changes. An incapacity to be elected a second time would have been the only effectual preventive. The power of removing him every fourth year by the vote of the people is a power which will not be exercised. The king of Poland is removeable every day by the Diet, yet he is never removed. — *Letter to James Madison*, December 20, 1787. Vol. IV, pp. 477–478.

My wish therefore was that the President should be elected for 7 years & be ineligible afterwards. This term I thought sufficient to enable him, with the concurrence of the legislature, to carry thro' & establish any system of improvement he should propose for the general good. But the practice adopted I think is better allowing his continuance for 8 years with a liability to be dropped at half way of the term, making that a period of probation. That his continuance should be restrained to 7 years was the opinion of the Convention at an early stage of it's sessions, when it voted that term by a majority of 8 against 2 and by a simple majority that he should be ineligible a second time. This opinion was confirmed by the house so late as July 26, referred to the committee of detail,

reported favorably by them, and changed to the present form by final vote on the last day but one only of their session.[1] Of this change three states expressed their disapprobation, N. York by recommending an amendment that the President should not be eligible a third time, and Virginia and N. Carolina that he should not be capable of serving more than 8 in any term of 16 years. And altho' this amendment has not been made in form, yet practice seems to have established it. The example of 4 Presidents voluntarily retiring at the end of their 8th year, & the progress of public opinion that the principle is salutary, have given it in practice the force of precedent & usage; insomuch that should a President consent to be a candidate for a 3d election, I trust he would be rejected on this demonstration of ambitious views. — *Autobiography*. Vol. I, pp. 110–111.

My opinion originally was that the President of the U. S., should have been elected for 7 years, & forever ineligible afterwards. I have since become sensible that 7 years is too long to be irremovable, and that there should be a peaceable way of withdrawing a man in midway

[1] There is a slight error here in date.

who is doing wrong. The service for 8 years with a power to remove at the end of the first four, comes nearly to my principle as corrected by experience. And it is in adherence to that that I am determined to withdraw at the end of my second term. The danger is that the indulgence & attachments of the people will keep a man in the chair after he becomes a dotard, that reelection through life shall become habitual, & election for life follow that. Genl. Washington set the example of voluntary retirement after 8 years. I shall follow it, and a few more precedents will oppose the obstacle of habit to anyone after a while who shall endeavor to extend his term. Perhaps it may beget a disposition to establish it by an amendment of the constitution. I believe I am doing right, therefore, in pursuing my principle. I had determined to declare my intention, but I have consented to be silent on the opinion of friends, who think it best not to put a continuance out of my power in defiance of all circumstances. There is, however, but one circumstance which could engage my acquiescence in another election, to wit, such a division about a successor as might bring in a Monarchist. But this circumstance is

impossible. While, therefore, I shall make no formal declarations to the public of my purpose, I have freely let it be understood in private conversation. — *Letter to John Taylor*, January 6, 1805. Vol. VIII, p. 339.

That I should lay down my charge at a proper period, is as much a duty as to have borne it faithfully. If some termination to the services of the chief magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally for years, will, in fact, become for life; and history shows how easily that degenerates into an inheritance. Believing that a representative government, responsible at short periods of election, is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle; and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor, should furnish the first example of prolongation beyond the second term of office. — *Jefferson's declination to serve a third term.* Quoted by John Sharp Williams in *Thomas Jefferson* (1913), p. 169.

On the President's Cabinet

Our government although in theory subject to be directed by the unadvised will of the President, is, and from its origin has been, a very different thing in practice. The minor business in each department is done by the head of the department on consultation with the President alone; but all matters of importance or difficulty are submitted to all the heads of departments composing the cabinet. Sometimes, by the President's consulting them separately and successively, as they happen to call on him, but in the gravest cases calling them together, discussing the subject maturely, and finally taking the vote, on which the President counts himself but as one. So that in all important cases the Executive is in fact a directory, which certainly the President might control; but of this there was never an example either in the first or the present administration. — *Letter to William Short*, June 12, 1807. Vol. IX, pp. 69–70.

On the Common Law and the Seat of Sovereignty

Of all the doctrines which have ever been broached by the federal government, the novel one, of the common law being in force & cognizable as an existing law in their courts, is to me the most formidable. All their other assumptions of un-given powers have been in the detail. The bank law, the treaty doctrine, the sedition act, the alien act, the undertaking to change the state laws of evidence in the state courts by certain parts of the stamp act, &c., &c., have been solitary, unconsequential, timid things in comparison with the audacious, barefaced and sweeping pretension to a system of law for the U. S., without the adoption of their legislature, and so infinitively [*sic*] beyond their power to adopt. If this assumption be yielded to, the state courts may shut up, as there will then be nothing to hinder citizens of the same state suing each other in the federal courts in every case, as on a bond for instance, because the common law obliges payment of it, & the common law they say is their law. I am happy you have taken up the subject; & I have carefully perused & considered the notes

you enclosed, and find but a single paragraph which I do not approve. It is that wherein (page 2) you say, that laws being emanations from the legislative department, &, when once enacted, continuing in force from a presumption that their will so continues, that that presumption fails & the laws of course fall, on the destruction of that legislative department. I do not think this is the true bottom on which laws & the administering them rest. The whole body of the nation is the sovereign legislative, judiciary and executive power for itself. The inconvenience of meeting to exercise these powers in person, and their inaptitude to exercise them, induce them to appoint special organs to declare their legislative will, to judge & to execute it. It is the will of the nation which makes the law obligatory; it is their will which creates or annihilates the organ which is to declare & announce it. They may do it by a single person, as an Emperor of Russia, (constituting his declarations evidence of their will,) or by a few persons, as the Aristocracy of Venice, or by a complication of councils, as in our former regal government, or our present republican one. The law being law because it is the will of the nation, is not

changed by their changing the organ through which they chuse to announce their future will; no more than the acts I have done by one attorney lose their obligation by my changing or discontinuing that attorney. This doctrine has been, in a certain degree sanctioned by the federal executive. For it is precisely that on which the continuance of obligation from our treaty with France was established, and the doctrine was particularly developed in a letter to Gouverneur Morris, written with the approbation of President Washington and his cabinet. Mercer once prevailed on the Virginia Assembly to declare a different doctrine in some resolutions. These met universal disapprobation in this, as well as the other States, and if I mistake not, a subsequent Assembly did something to do away the authority of their former unguarded resolutions. In this case, as in all others, the true principle will be quite as effectual to establish the just deductions, for before the revolution, the nation of Virginia had, by the organs they then thought proper to constitute, established a system of laws, which they divided into three denominations of 1, common law; 2, statute law; 3, Chancery: or if you please, into two only, of 1, common law; 2, Chancery. When,

by the declaration of Independence, they chose to abolish their former organs of declaring their will, the acts of will already formally & constitutionally declared, remained untouched. For the nation was not dissolved, was not annihilated; it's will, therefore, remained in full vigor; and on the establishing the new organs, first of a convention, & afterwards a more complicated legislature, the old acts of national will continued in force, until the nation should, by its new organs, declare it's will changed. The common law, therefore, which was not in force when we landed here, nor till we had formed ourselves into a nation, and had manifested by the organs we constituted that the common law was to be our law, continued to be our law, because the nation continued in being, & because though it changed the organs for the future declarations of its will, yet it did not change its former declarations that the common law was it's law. Apply these principles to the present case. Before the revolution there existed no such nation as the U. S.; they then first associated as a nation, but for special purposes only. They had all their laws to make, as Virginia had on her first establishment as a nation. But they did not, as Virginia had done,

proceed to adopt a whole system of laws ready made to their hand. As their association as a nation was only for special purposes, to wit, for the management of their concerns with one another & with foreign nations, and the states composing the association chose to give it powers for those purposes & no others, they could not adopt any general system, because it would have embraced objects on which this association had no right to form or declare a will. It was not the organ for declaring a national will in these cases. In the cases confided to them, they were free to dec'are the will of the nation, the law; but till it was declared there could be no law. So that the common law did not become, ipso facto, law on the new association; it could only become so by a positive adoption, & so far only as they were authorized to adopt.

I think it will be of great importance, when you come to the proper part, to portray at full length the consequences of this new doctrine, that the common law is the law of the U. S., & that their courts have, of course, jurisdiction co-extensive with that law, that is to say, general over all cases & persons. But, great heavens! Who could have conceived in 1789 that within ten years we should have to combat

such windmills. — *Letter to Edmund Randolph*, August 18, 1799. Vol. VII, pp. 383–387.

On the Alienation of Territory

I considered . . . that the Executive with either or both branches of the legislature could not alien any part of our territory: that by the Law of nations it was settled that the Unity & indivisibility of the society was so fundamental that it could not be dismembered by the Constituted authorities, except 1. where *all power* was delegated to them (as in the case of despotic governments) or 2. where it was expressly delegated. That neither of these delegations had been made to our general government & therefore that it had no right to dismember or alienate any portion of territory once ultimately consolidated with us: and that we could no more cede to the Indians than to the English or Spaniards, as it might according to acknowledged principles remain as irrevocably and eternally with the one as the other. — *The Anas*. Vol. I, p. 219.

On Public Officers and the Law

The question you propose, whether circumstances do not sometimes occur, which make it

a duty in officers of high trust, to assume authorities beyond the law, is easy of solution in principle, but sometimes embarrassing in practice. A strict observance of the written laws is doubtless *one* of the high duties of a good citizen, but it is not *the highest*. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the end to the means. . . .

From these examples and principles you may see what I think on the question proposed. They do not go to the case of persons charged with petty duties, where consequences are trifling, and time allowed for a legal course, nor to authorize them to take such cases out of the written law. In these, the example of overleaping the law is of greater evil than a strict adherence to its imperfect provisions. It is incumbent on those only who accept of great charges, to risk themselves on great occasions, when the safety of the nation, or some of its very high interests are at stake. . . . The line of discrimination between cases may be

difficult; but the good officer is bound to draw it at his own peril, and throw himself on the justice of his country and the rectitude of his motives. — *Letter to John B. Colvin*, September 20, 1810. Vol. IX, pp. 279–280.

On the Louisiana Purchase

This treaty [purchasing the Louisiana territory from France] must of course be laid before both Houses, because both have important functions to exercise respecting it. They, I presume, will see their duty to their country in ratifying & paying for it, so as to secure a good which would otherwise probably be never again in their power. But I suppose they must then appeal to *the nation* for an additional article to the Constitution, approving & confirming an act which the nation had not previously authorized. The constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution. The Legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants,

must ratify & pay for it, and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory; & saying to him when of age, I did this for your good; I pretend to no right to bind you: you may disavow me, and I must get out of the scrape as I can: I thought it my duty to risk myself for you. But we shall not be disavowed by the nation, and their act of indemnity will confirm & not weaken the Constitution, by more strongly marking out its lines. — *Letter to John C. Breckenridge*, August 12, 1803. Vol. VIII, p. 244.

On the Public Purse

The purse of the people is the real seat of sensibility. It is to be drawn upon largely, and they will then listen to truths which could not excite them through any other organ. — *Letter to Archibald H. Rowan*, September 26, 1798. Vol. VII, p. 281.

On the Power of Borrowing

I wish it were possible to obtain a single amendment to our constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of it's constitution; I mean an additional article, taking from the federal government the power of borrowing. I now deny their power of making paper money or anything else a legal tender. I know that to pay all proper expences within the year, would, in case of war, be hard on us. But not so hard as ten wars instead of one. For wars would be reduced in that proportion; besides that the State governments would be free to lend *their credit* in borrowing quotas. . . . It is a singular phenomenon, that while our State governments are the very *best in the world*, without exception or comparison, our general government has, in the rapid course of 9. or 10. years, become more arbitrary, has swallowed more of the public liberty than even that of England. — *Letter to John Taylor*, November 26, 1798. Vol. VII, pp. 310–311. [Written at the time of the Alien and Sedition Laws. — Ed.]

On Debt and the Binding of Future Generations

The question Whether one generation of men has a right to bind another, seems never to have been started either on this or our side of the water.[1] Yet it is a question of such consequences as not only to merit decision, but place also, among the fundamental principles of every government. . . . I set out on this ground which I suppose to be self-evident, "*that the earth belongs in usufruct to the living;*" that the dead have neither powers nor rights over it. The portion occupied by any individual ceases to be his when himself ceases to be, and reverts to society. . . . No man can by *natural right* oblige the lands he occupied, or the persons who succeed him in that occupation, to the paiment of debts contracted by him. For if he could, he might during his own life, eat up the usufruct of the lands for several generations to come, and then the lands would belong to the dead, and not to the living, which would be reverse of our principle. What is true of every member of the society individually, is true of them all collectively, since the rights

[1] Jefferson was writing from Paris.

of the whole can be no more than the sum of the rights of the individuals. . . . Suppose Louis XV. and his contemporary generation had said to the money lenders of Genoa, give us money that we may eat, drink, and be merry in our day; and on condition you will demand no interest till the end of 19. years, you shall then forever after receive an annual interest of 12.5 per cent. The money is lent on these conditions, is divided among the living, eaten, drank, and squandered. Would the present generation be obliged to apply the produce of the earth and of their labour to replace their dissipations? Not at all. I suppose that the received opinion, that the public debts of one generation devolve on the next, has been suggested by our seeing habitually in private life that he who succeeds to lands is required to pay the debts of his ancestor or testator, without considering that this requisition is municipal only, not moral, flowing from the will of the society which has found it convenient to appropriate the lands become vacant by the death of their occupant on the condition of a paiment of his debts; but that between society and society, or generation and generation there is no municipal obligation, no umpire but the law of nature.

We seem not to have perceived that, by the law of nature, one generation is to another as one independent nation to another. . . . On similar ground it may be proved that no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation. They manage it then, and what proceeds from it, as they please, during their usufruct. They are masters too of their own persons, and consequently may govern them as they please. But persons and property make the sum of the objects of government. The constitution and the laws of their predecessors extinguished them, in their natural course, with those whose will gave them being. This could preserve that being till it ceased to be itself, and no longer. Every constitution, then, and every law, naturally expires at the end of 19. years. If it be enforced longer, it is an act of force and not of right. . . .

Turn this subject in your mind, my Dear Sir, and particularly as to the power of contracting debts. . . . At first blush it may be rallied as a theoretical speculation; but examination will prove it to be solid and salutary. It would furnish matter for a fine preamble to our first

law for appropriating the public revenue; and it will exclude, at the threshold of our new government the contagious and ruinous errors of this quarter of the globe, which have armed despots with means not sanctioned by nature for binding in chains their fellow-men. We have already given, in example one effectual check to the Dog of war, by transferring the power of letting him loose from the executive to the Legislative body, from those who are to spend to those who are to pay. I should be pleased to see this second obstacle held out by us also in the first instance. No nation can make a declaration against the validity of long-contracted debts so disinterestedly as we, since we do not owe a shilling which may not be paid with ease principal and interest, within the time of our own lives. — *Letter to James Madison*, September 6, 1789. Vol. V, pp. 115–123.

That we are bound to defray its expenses [the Revolutionary War] within our own time, and unauthorized to burden posterity with them, I suppose to have been proved in my former letter. I will place the question nevertheless in one additional point of view. The

former regarded their independent right over the earth; this over their own persons. There have existed nations, and civilized and learned nations, who have thought a father had a right to sell his child as a slave, in perpetuity; that he could alienate his body and industry conjointly, and *a fortiori* his industry separately; and consume its fruits himself. A nation asserting this fratricide right might well suppose they could burthen with public as well as private debt their "*nati na orum, et qui nascentur ab illis.*" But we, this age, and in this country especially are advanced beyond those notions of natural law. We acknowledge that our children are born free; that that freedom is the gift of nature, and not of him who begot them; that though under our care during infancy, and therefore of necessity under a duly tempered authority, that care is confided to us to be exercised for the preservation and good of the child only; and his labors during youth are given as a retribution for the charges of infancy. As he never was the property of his father, so when adult he is *sui juris*, entitled himself to the use of his own limbs and the fruits of his own exertions: so far we are advanced, without mind enough, it seems to take the whole step. We

believe, or we act as if we believed, that although an individual father cannot alienate the labor of his son, the aggregate body of fathers may alienate the labor of all their sons, of their posterity, in the aggregate, and oblige them to pay for all the enterprises, just or unjust, profitable or ruinous, into which our vices, our passions, or our personal interests may lead us. But I trust that this proposition needs only to be looked at by an American to be seen in its true point of view, and that we shall consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves; and consequently within what may be deemed the period of a generation, or the life of the majority. In my former letter I supposed this to be a little over twenty years. We must raise then ourselves the money for this war, either by taxes within the year, or by loans; and if by loans, we must repay them ourselves, proscribing forever the English practice of perpetual funding; the ruinous consequences of which, putting right out of the question, should be a sufficient warning to a considerate nation to avoid the example. — *Letter to John Wilson*, August 17, 1813. Vol. IX, pp. 396–397.

On Suspension of Habeas Corpus

Why suspend the Habeas Corpus in insurrections & rebellions? The parties who may be arrested may be charged instantly with a well defined crime, of course the judge will remand them. If publick safety requires that the government should have a man imprisoned on less probable testimony in those than in other emergencies; let him be taken & tried, retaken & retried, while the necessity continues, only giving him redress against the government for damages. Examine the history of England. See how few cases of the suspension of the Habeas corpus law have been worthy of that suspension. They have been either real treasons wherein the parties might as well have been charged at once, or sham plots where it was shameful they should ever have been suspected. Yet for the few cases wherein the suspension of the habeas corpus has done real good, that operation is now become habitual, & the minds of the nation prepared to live under its constant suspension. — *Letter to James Madison*, July 31, 1788. Vol. V, pp. 46–47.

On Commerce and Manufactures

You ask what I think on the expediency of encouraging our states to be commercial? Were I to indulge my own theory, I should wish them to practise neither commerce nor navigation, but to stand with respect to Europe precisely on the footing of China. We should thus avoid wars, and all our citizens would be husbandmen. Whenever indeed our numbers should so increase as that our produce would overstock the markets of those nations who should come to seek it, the farmers must either employ the surplus of their time in manufactures, or the surplus of our hands must be employed in manufactures, or in navigation. But that day would, I think be distant, and we should long keep our workmen in Europe, while Europe should be drawing rough materials & even subsistence from America. But this is theory only, & a theory which the servants of America are not at liberty to follow. Our people have a decided taste for navigation & commerce. They take this from their mother country: & their servants are in duty bound to calculate all their measures on this datum: we wish to do it by throwing open all the doors of

commerce & knocking off its shackles. But as this cannot be done for others, unless they will do it for us, & there is no great probability that Europe will do this, I suppose we shall be obliged to adopt a system which may shackle them in their ports as they do us in ours. — *Letter to Count van Hogendorp*, October 13, 1785. Vol. IV, p. 105.

On Commerce and Tariffs

Such being the restrictions on the commerce and navigation of the United States; the question is, in what way they may best be removed, modified, or counteracted?

As to commerce, two methods occur. 1. By friendly arrangements with the several nations with whom these restrictions exist; Or, 2. By the separate act of own legislatures for countervailing their effects.

There can be no doubt but that of these two, friendly arrangements is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties and prohibitions, could it be relieved from all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to

exchange with others mutual surplusses for mutual wants, the greatest possible would then be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased, and their condition bettered. Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation; since it is only one by one that it can be extended to all. . . . But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter prohibitions, duties and regulations also. Free commerce and navigation are not to be given in exchange for restrictions and vexations; nor are they likely to produce a relaxation of them.

Our navigation involves still higher considerations. As a branch of industry, it is valuable, but as a resource of defence, essential. . . . Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United

States would certainly not set the example of appropriating to themselves, exclusively, any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business, and for keeping the marine class of citizens equal to their object. But if particular nations grasp at undue shares, and, more especially, if they seize on the means of the United States, to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded. . . .

It is true we must expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing when weighed against the loss of wealth and loss of force, which will follow our perseverance in the plan of indiscrimination. When once it shall be perceived that we are either in the system or habit of giving equal advantages to those who extinguish our commerce and navigation by

duties and prohibitions, as to those who treat both with liberality and justice, liberality and justice will be converted by all into duties and prohibitions. It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions, or for our due share in the transportation of them; but to our own means of independence, and the firm will to create them. Nor do the inconveniences of discrimination merit consideration. Not one of the nations before mentioned, perhaps not a commercial nation on earth, is without them. In our case one distinction alone will suffice: that is to say, between nations who favor our productions and navigation and those who do not favor them. One set of moderate duties, say the present duties, for the first, and a fixed advance on these as to some articles, and prohibitions as to others, for the last. — *Report on the Privileges and Restrictions on the Commerce of the United States in Foreign Countries.* December 16, 1793. Vol. VI, pp. 480–483.

On Manufactures

You tell me I am quoted by those who wish to continue our dependence on England for

manufactures. There was a time when I might have been so quoted with more candor, but within the thirty years which have since elapsed, how are circumstances changed! We were then in peace. Our independent place among nations was acknowledged. A commerce which offered the raw material in exchange for the same material after receiving the last touch of industry, was worthy of welcome to all nations. It was expected that those especially to whom manufacturing industry was important, would cherish the friendship of such customers by every favor, by every inducement, and particularly cultivate their peace by every act of justice and friendship. Under this prospect, the question seemed legitimate, whether, with such an immensity of unimproved land, courting the hand of husbandry, the industry of agriculture, or that of manufactures, would add most to the national wealth? And the doubt was entertained on this consideration chiefly, that to the labor of the husbandman a vast addition is made by the spontaneous energies of the earth on which it is employed: for one grain of wheat committed to the earth, she renders twenty, thirty, and even fifty fold, whereas to the labor of the manufacturer nothing

is added. Pounds of flax, in his hands, yield, on the contrary but pennyweights of lace. This exchange, too, laborious as it might seem, what a field did it promise for the occupations of the ocean; what a nursery for that class of citizens who were to exercise and maintain our equal rights on that element? This was the state of things in 1785, when the "Notes on Virginia" were first printed; when, the ocean being open to all nations, and their common right in it acknowledged by the assent and usage of all, it was thought that the doubt might claim some consideration. But who in 1785 could foresee the rapid depravity which was to render the close of that century the disgrace of the history of man? Who could have imagined that the two most distinguished in the rank of nations, for science and civilization, would have suddenly descended from that honorable eminence, and setting at defiance all those moral laws established by the Author of nature between nation and nation, as between man and man, would cover earth and sea with robberies and piracies, merely because strong enough to do it with temporal impunity; and that under this disbandment of nations from social order, we should have been despoiled of a thousand

ships, and have thousands of our citizens reduced to Algerine slavery. [The war between England and France and their depredations upon us.] Yet all this has taken place. . . . We were completely excluded from the ocean. Compare this state of things with that of '85, and say whether an opinion founded in the circumstances of that day can be fairly applied to those of the present. We have experienced what we did not then believe, that there exists both profligacy and power enough to exclude us from the field of interchange with other nations: that to be independent for the comforts of life we must fabricate them ourselves. We must now place the manufacturer by the side of the agriculturist. The former question is suppressed, or rather assumes a new form. Shall we make our own comforts, or go without them, at the will of a foreign nation? He, therefore, who is now against domestic manufacture, must be for reducing us either to dependence on that foreign nation, or to be clothed in skins, and to live like wild beasts in dens and caverns. I am not one of these; experience has taught me that manufactures are now as necessary to our independence as to our comfort; and if those who quote me as of a different opinion, will

keep pace with me in purchasing nothing foreign where an equivalent of domestic fabric can be obtained, without regard to difference of price, it will not be our fault, if we do not soon have a supply at home equal to our demand, and wrest that weapon of distress from the hand which has wielded it. If it be proposed to go beyond our own supply, the question of '85 will then recur, will our *surplus* labor be then most beneficially employed in the culture of the earth, or in the fabrications of art? We have time yet for consideration, before that question will press upon us; and the maxim to be applied will depend on the circumstances which shall then exist; for in so complicated a science as political economy, no one axiom can be laid down as wise and expedient for all times and circumstances, and for their contraries. — *Letter to Benjamin Austin*, January 9, 1816. Vol. X, pp. 8–10.

On Laissez-Faire

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are the most thriving when left free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably

interposed. — *First annual message to Congress*, December 8, 1801. Vol. VIII, p. 123.

On Banking

In the revolutionary war, the old Congress and the States issued bills without interest, and without tax. They occupied the channels of circulation very freely, till those channels were overflowed by an excess beyond all the calls of circulation. But although we have so improvidently suffered the field of circulating medium to be filched from us by private individuals, yet I think we may recover it in part, and even in the whole, if the States will co-operate with us. . . .

In this way, I am not without a hope, that this great, this sole resource for loans in an agricultural country, might yet be recovered for the use of the nation during war; and, if obtained *in perpetuum*, it would always be sufficient to carry us through any war; provided, that in the interval between war and war, all the outstanding paper should be called in, coin permitted to flow in again, and to hold the field of circulation until another war should require its yielding place again to the national medium.

But it will be asked, are we to have no banks? Are merchants and others to be deprived of the resource of short accomodations, found so convenient? I answer, let us have banks; but let them be such as are alone to be found in any country on earth, except Great Britain. There is not a bank of discount on the continent of Europe, (at least there was not one when I was there,) which offers anything but cash in exchange for discounted bills. . . . It is from Great Britain we copy the idea of giving paper in exchange for discounted bills. . . . The unlimited emission of bank paper has banished all her specie, and is now, by a depreciation acknowledged by her own statesmen, carrying her rapidly to bankruptcy, as it did France, as it did us, and will do us again, and every country permitting paper to be circulated, other than that by public authority, rigorously limited to the just measure for circulation. — *Letter to John Wayles Eppes*, June 24, 1813. Vol. IX, pp. 392–394.

On Naval Force

But how dreadfully we shall suffer on our coasts, if we have no force on the water, former experience has taught us. Indeed I look for-

ward with horror to the very possible case of war with an European power, & think there is no protection against them but from the possession of some force on the sea. Our vicinity to their West India possessions & to the fisheries is a bridle which a small naval force on our part would hold in the mouths of the most powerful of these countries. I hope our land office will rid us of our debts, & that our first attention then will be to the beginning a naval force of some sort. This alone can countenance our people as carriers on the water, & I suppose them to be determined to continue such. — *Letter to John Jay*, August 23, 1785. Vol. IV, p. 90.

On the Embargo

The idea seems to gain credit that the naval powers combined against France will prohibit supplies even of provisions to that country. Should this be formally notified I should suppose Congress would be called, because it is a justifiable cause of war, & as the Executive cannot decide the question of war on the affirmative side, neither ought it to do so on the negative side, by preventing the competent body from deliberating on the question. But I

should hope that war would not be their choice. I think it will furnish us a happy opportunity of setting another example to the world, by shewing that nations may be brought to do justice by appeals to their interests as well as by appeals to arms. I should hope that Congress instead of a denunciation of war, would instantly exclude from our ports all the manufactures, produce, vessels & subjects of the nations committing this aggression, during the continuance of the aggression & till full satisfaction made for it. This would work well in many ways, safely in all, & introduce between nations another umpire than war. It would relieve us too from the risks & the horrors of cutting throats. — *Letter to James Madison*, March, 1793. Vol. VI, p. 192.

On Slavery

I had always hoped that the younger generation receiving their early impressions after the flame of liberty had been kindled in every breast, & had become as it were the vital spirit of every American, that the generous temperament of youth, analogous to the motion of their blood, and above the suggestions of avarice, would have sympathized with oppression, and

found their love of liberty beyond their own share in it. But my intercourse with them, since my return has not been sufficient to ascertain that they had made towards this point the progress I had hoped. Your solitary but welcome voice is the first which had brought this sound to my ear; and I have considered the general silence which prevails on this subject as indicating an apathy unfavorable to every hope. Yet the hour of emancipation is advancing, in the march of time. It will come; and whether brought on by the generous energy of our own minds; or by the bloody process of St. Domingo, excited and conducted by the power of our present enemy, if once stationed permanently within our country, and offering asylum & arms to the oppressed, is a leaf of our history not yet turned over. As to the method by which this difficult work is to be effected, if permitted to be done by ourselves, I have seen no proposition so expedient on the whole, as that of emancipation of those born after a given day, and of their education and expatriation after a given age. This would give time for a gradual extinction of that species of labor & substitution of another, and lessen the severity of the shock which an operation so fundamental

cannot fail to produce. For men probably of any color, but of this color we know, brought from their infancy without necessity for thought or forecast, are by their habits rendered as incapable as children of taking care of themselves, and are extinguished promptly wherever industry is necessary for raising young. In the mean time they are pests in society by their idleness, and the depredations to which this leads them. Their amalgamation with the other color produces a degradation to which no lover of his country, no lover of excellence in the human character can innocently consent. . . . My opinion has ever been that, until more can be done for them, we should endeavor, with those whom fortune has thrown on our hands, to feed and clothe them well, protect them from all ill usage, require such reasonable labor only as is performed voluntarily by freemen, & be led by no repugnancies to abdicate them, and our duties to them. The laws do not permit us to turn them loose, if that were for their good: and to commute them for other property is to commit them to those whose usage of them we cannot control. — *Letter to Edward Coles*, August 25, 1814. Vol. IX, pp. 478–479.

The bill on the subject of slaves was a mere digest of the existing laws respecting them, without any intimation of a plan for a future & general emancipation. It was thought better that this should be kept back, and attempted only by way of amendment whenever the bill should be brought on. The principles of the amendment however were agreed on, that is to say, the freedom of all born after a certain day, and deportation at a proper age. But it was found that the public mind would not bear the proposition, nor will it bear it even at this day. Yet the day is not far distant when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate than that these people are to be free. Nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion has drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation peaceably and in such slow degree as that the evil will wear off insensibly, and their place be pari passu filled up by white laborers. If on the contrary it is left to force itself on, human nature must shudder at the prospect held. We should in vain look for an

example in the Spanish deportation or deletion of the Moors. This precedent would fall far short of our case. — *Autobiography*. Vol. I, pp. 68–69. [This bill was introduced in the Virginia legislature in 1779 in connection with the revision of the laws. Jefferson was a member of the committee in charge. — Ed.]

[In the revision of the Virginia state laws in 1779 Jefferson proposed] "to emancipate all slaves born after passing the act. The bill reported by the revisers does not itself contain this proposition; but an amendment containing it was prepared, to be offered to the legislature whenever the bill should be taken up, and further directing that they should continue with their parents to a certain age, then be brought up, at the public expence, to tillage, arts, or sciences, according to their geniusses, till the females should be eighteen, and the males twenty-one years of age, when they should be colonized to such place as the circumstances of the time should render most proper, sending them out with arms, ammunition, implements of houshold and of the handicraft arts, seeds, pairs of the useful domestic animals, &c. to declare them a free

and independent people, and extend to them our alliance and protection, till they shall have acquired strength; and to send vessels at the same time to other parts of the world for an equal number of white inhabitants; to induce whom to migrate hither, proper encouragements were to be proposed. It will probably be asked, Why not retain and incorporate the blacks into the state, and thus save the expence of supplying by importation of white settlers, the vacancies they will leave? Deep rooted prejudices entertained by the whites; ten thousand recollections by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances will divide us into parties, and produce convulsions, which will probably never end but in the extermination of the one or the other race. — To these objections, which are political, may be added others, which are physical and moral." — *Notes on Virginia.* Vol. III, pp. 243–244.

On Parties and Secession

In every free and deliberating society, there must, from the nature of man, be opposite parties, and violent dissensions and discords;

and one of these, for the most part, must prevail over the other for a longer or shorter time. Perhaps this party division is necessary to induce each to watch and delate to the people the proceedings of the other. But if on a temporary superiority of the one party, the other is to resort to a scission of the Union, no federal government can ever exist. If to rid ourselves of the present rule of Massachusetts and Connecticut, we break the Union, will the evil stop there? Suppose the New England States alone cut off, will our nature be changed? Are we not men still to the south of that, with all the passions of men? Immediately, we shall see a Pennsylvania and a Virginia party arise in the residuary confederacy, and the public mind will be distracted with the same party spirit. What a game too will the one party have in their hands, by eternally threatening the other that unless they do so and so, they will join their northern neighbors. If we reduce our Union to Virginia and North Carolina, immediately the conflict will be established between the representatives of these two States, and they will end by breaking into their simple units. Seeing, therefore, that an association of men who will not quarrel

with one another is a thing which never yet existed, from the greatest confederacy of nations down to a town meeting or a vestry; seeing that we must have somebody to quarrel with, I had rather keep our New England associates for that purpose, than to see our bickerings transferred to others. They are circumscribed within such narrow limits, and their population so full, that their numbers will ever be the minority, and they are marked, like the Jews, with such a perversity of character, as to constitute, from that circumstance, the natural division of our parties. A little patience, and we shall see the reign of witches pass over, their spells dissolved, and the people recovering their true sight, restoring their government to its true principles. It is true, that in the meantime, we are suffering deeply in spirit, and incurring the horrors of a war, and long oppressions of enormous public debt. But who can say what would be the evils of a scission, and when and where they would end? Better keep together as we are, haul off from Europe as soon as we can, and from all attachments to any portions of it; and if they show their power just sufficiently to hoop us together, it will be the happiest situation in which we can exist. — *Letter to*

John Taylor, June 1, 1798. Vol. VII, pp. 264–265.

On Rebellion

Yet where does this anarchy exist? Where did it ever exist, except in the single instance of Massachusetts?[1] And can history produce an instance of rebellion so honourably conducted? I say nothing of it's motives. They were founded in ignorance, not wickedness. God forbid we should ever be 20 years without such a rebellion. The people cannot be all, & always, well informed. The part which is wrong will be discontented in proportion to the importance of the facts they misconceive. If they remain quiet under such misconceptions it is a lethargy, the forerunner of death to the public liberty. We have had 13 states independent 11 years. There has been one rebellion. That comes to one rebellion in a century and a half for each state. What country before ever existed a century and a half without a rebellion? & what country can preserve it's liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms. The remedy is to set them

[1] This refers to Shays's Rebellion.

right as to facts, pardon & pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots & tyrants. It is it's natural manure. — *Letter to William S. Smith*, November 13, 1787. Vol. IV, p. 467.

Societies exist under three forms sufficiently distinguishable. 1. Without government, as among our Indians. 2. Under governments wherein the will of every one has a just influence, as is the case in England in a slight degree, and in our states, in a great one. 3. Under governments of force: as is the case in all other monarchies and in most of the other republics. To have an idea of the curse of existence under these last, they must be seen. It is a government of wolves over sheep. It is a problem, not clear in my mind, that the 1st condition is not the best. But I believe it to be inconsistent with any great degree of population. The second state has a great deal of good in it. The mass of mankind under that enjoys a precious degree of liberty & happiness. It has it's evils too: the principal of which is the turbulence to which it is subject. But weigh this against the oppressions of monarchy, and it becomes

nothing. *Malo periculosam libertatem quam quietam servitutem.* Even this evil is productive of good. It prevents the degeneracy of government, and nourishes a general attention to the public affairs. I hold it that a little rebellion now and then is a good thing, & as necessary in the political world as storms in the physical. Unsuccessful rebellions indeed generally establish the encroachments on the rights of the people which have produced them. An observation of this truth should render honest republican governors so mild in their punishment of rebellions, as not to discourage them too much. It is a medicine necessary for the sound health of government. — *Letter to James Madison*, January 30, 1787. Vol. IV, pp. 362–363.

On Naturalization

I cannot omit recommending a revisal of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years is a denial to a great proportion of those who ask it, and controls a policy pursued from the first settlement by many of these States, and still believed of consequence to their prosperity. And shall we refuse the un-

happy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a *bona fide* purpose of embarking his life and fortunes permanently with us? with restrictions, perhaps, to guard against the fraudulent usurpation of our flag; an abuse which brings so much embarrassment and loss on the genuine citizen, and so much danger to the nation of being involved in war, that no endeavor should be spared to detect and suppress it. — *First annual message to Congress*, December 8, 1801. Vol. VIII, p. 124.

On Excluding Europe from the Americas

The truth is that the patriots of Spain have no warmer friends than the administration of the U. S., but it is our duty to say nothing & to be nothing for or against either. If they

succeed, we shall be well satisfied to see Cuba & Mexico remain in their present dependence; but very unwilling to see them in that of either France or England, politically or commercially. We consider their [Cuban and Mexican] interests & ours as the same, and that the object of both must be to exclude all European influence from this hemisphere. — *Letter to the Governor of Louisiana*, October 29, 1808. Vol. IX, p. 212.

On the Monroe Doctrine

The question presented by the letters you have sent me, is the most momentous which has ever been offered to my contemplation since that of Independence. That made us a nation, this sets our compass and points the course which we are to steer through the ocean of time opening before us. And never could we embark on it under circumstances more auspicious. Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe. Our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and peculiarly her own. She should therefore have a system of her own, separate and apart from that of

Europe. While the last is laboring to become the domicile of despotism, our endeavor should surely be, to make our hemisphere that of freedom. One nation, most of all, could disturb us in this pursuit; she now offers to lead, aid, and accompany us in it. By acceding to her proposition, we detach her from the bands, bring her mighty weight into the scale of free government, and emancipate a continent at a stroke, which might otherwise linger in doubt and difficulty. Great Britain is the nation which can do us the most harm of any one, or all the earth; and with her on our side we need not fear the whole world. With her then, we should most sedulously cherish a cordial friendship; and nothing would tend more to knit our affections than to be fighting once more, side by side, in the same cause. — *Letter to James Madison*, October 24, 1823. Vol. X, p. 277.

On France

I cannot leave this great and good country without expressing my sense of it's preeminence of character among the nations of the earth. A more benevolent people, I have never known, nor greater warmth & devotedness in their select friendships. Their kindness and accomo-

dation to strangers is unparalleled, and the hospitality of Paris is beyond anything I had conceived to be practicable in a large city. Their eminence too in science, the communicative dispositions of their scientific men, the politeness of the general manners, the ease and vivacity of their conversation, give a charm to their society to be found nowhere else. In a comparison of this with other countries we have the proof of primacy, which was given by Themistocles after the battle of Salamis. Every general voted to himself the first reward of valor, and the second to Themistocles. So ask the travelled inhabitant of any nation, In what country on earth would you rather live? — Certainly in my own, where are all my friends, my relations, and the earliest & sweetest affections and recollections of my life. Which would be your second choice? France. — *Autobiography*. Vol. I, p. 149.

On Congressional Debate

I served with General Washington in the legislature of Virginia before the Revolution, and, during it, with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point which

was to decide the question. They laid their shoulders to the great points, knowing that the little ones would follow of themselves. If the present Congress errs in too much talking, how can it be otherwise in a body to which the people send 150 lawyers, whose trade it is to question everything, yielding nothing, & talk by the hour? That 150 lawyers should do business together ought not to be expected. — *Autobiography*. Vol. I, p. 82.

On Newspapers

To your request of my opinion of the manner in which a newspaper should be conducted, so as to be most useful, I should answer, "by restraining to true facts & sound principles only." Yet I fear such a paper would find few subscribers. It is a melancholy truth, that a suppression of the press could not more compleatly deprive the nation of it's benefits, than is done by it's abandoned prostitution to falsehood. Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle. The real extent of this state of misinformation is known only to those who are in situations to confront facts within their knowl-

edge with the lies of the day. I really look with commiseration over the great body of my fellow citizens, who, reading newspapers, live & die in the belief, that they have known something of what has been passing in the world in their time; whereas the accounts they have read in newspapers are just as true a history of any other period of the world as of the present, except that the real names of the day are affixed to their fables. General facts may indeed be collected from them, such as that Europe is now at war, that Bonaparte has been a successful warrior, that he has subjected a great portion of Europe to his will, &c., &c.; but no details can be relied on. I will add, that the man who never looks into a newspaper is better informed than he who reads them; inasmuch as he who knows nothing is nearer to truth than he whose mind is filled with falsehoods & errors. He who reads nothing will still learn the great facts, and the details are all false. . . .

Defamation is becoming a necessary of life; insomuch that a dish of tea in the morning or evening cannot be digested without this stimulant. Even those who do not believe these abominations, still read them with complaisance to their auditors, and instead of the abhorrence

& indignation which should fill a virtuous mind, betray a secret pleasure in the possibility that some may believe them, tho they do not themselves. It seems to escape them, that it is not he who prints, but he who pays for printing a slander, who is it's real author.—*Letter to John Norvell*, June 14, 1807. Vol. IX, pp. 73–74.

On the Freedom of the Press

No government ought to be without censors: & where the press is free, no one ever will. If virtuous, it need not fear the fair operations of attack & defence. Nature has given to man no other means of sifting out the truth either in religion, law, or politics. I think it as honorable to the government neither to know, nor notice, it's sycophants or censors, as it would be undignified & criminal to pamper the former & persecute the latter. — *Letter to President Washington*, September 9, 1792. Vol. VI, p. 108.

During the course of this administration, and in order to disturb it, the artillery of the press has been levelled against us, charged with whatsoever its licentiousness could devise or dare. These abuses of an institution so important to

freedom and science, are deeply to be regretted, inasmuch as they tend to lessen its usefulness, and to sap its safety; they might, indeed, have been corrected by the wholesome punishments reserved and provided by the laws of the several States against falsehood and defamation; but public duties more urgent press on the time of public servants, and the offenders have therefore been left to find their punishment in the public indignation.

Nor was it uninteresting to the world, that an experiment should be fairly and fully made, whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth — whether a government, conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the whole world should witness, can be written down by falsehood and defamation. The experiment has been tried; you have witnessed the scene; our fellow citizens have looked on, cool and collected, they saw the latent source from which these outrages proceeded; they gathered around these public functionaries, and when the constitution called them to the decision by the suffrage, they pronounced their verdict,

honorable to those who had served them, and consolatory to the friend of man, who believes he may be intrusted with his own affairs.

No inference is here intended, that the laws, provided by the State against false and defamatory publications, should not be enforced. He who has time, renders a service to public morals and public tranquillity, in reforming these abuses by the salutary coercions of the law, but the experiment is noted, to prove that, since truth and reason have maintained their ground against false opinions in league with false facts, the press, confined to truth, needs no other legal restraint; the public judgment will correct false reasonings and opinions, on a full hearing of all parties; and no other definite line can be drawn between the inestimable liberty of the press and its demoralizing licentiousness. If there be still improprieties which this rule would not restrain, its supplement must be sought in the censorship of public opinion. — *Second Inaugural Address*, March 4, 1805. Vol. VIII, p. 346.

On Defamation of Public Characters

It is really to be lamented that after a public servant has passed a life in important and

faithful services, after having given the most plenary satisfaction in every station, it should yet be in the power of every individual to disturb his quiet, by arraigning him in a gazette and by obliging him to act as if he needed a defence, an obligation imposed on him by unthinking minds which never give themselves the trouble of seeking a reflection unless it be presented to them. However it is a part of the price we pay for liberty, which cannot be guarded but by the freedom of the press, nor that be limited without danger of losing it. To the loss of time, of labour, of money, then, must be added that of quiet, to which those must offer themselves who are capable of serving the public, and all this is better than European bondage. — *Letter to John Jay*, January 25, 1786. Vol. IV, p. 186.

On Calumny in Public Life

At a very early period of my life, I determined never to put a sentence into any newspaper. I have religiously adhered to the resolution through my life, and have great reason to be contented with it. Were I to undertake to answer all the calumnies of the newspapers, it would be more than all my own time, & that

of 20. aids could effect. I have thought it better to trust to the justice of my countrymen, that they would judge me by what they *see* of my conduct on the stage where they have placed me, & what they knew of me *before* the epoch since which a particular party has supposed it might answer some views of theirs to vilify me in the public eye. Some, I know, will not reflect how apocryphal is the testimony of enemies so palpably betraying the views with which they give it. But this is an injury to which duty requires every one to submit whom the public think proper to call into it's councils. I thank you, my dear Sir, for the interest you have taken for me on this occasion. Though I have made up my mind not to suffer calumny to disturb my tranquillity, yet I retain all my sensibilities for the approbation of the good & just. — *Letter to Samuel Smith*, August 22, 1798. Vol. VII, p. 279.

On Making Public Appointments

There are no offices in my gift but of meer [*sic*] scribes in the office room at 800. & 500. Dollars a year. These I found all filled & of long possession in the hands of those who held them, and I thought it would not be just to

remove persons in possession, who had behaved well, to make place for others. . . . I am sensible of the necessity as well as justice of dispersing emploiments over the whole of the U. S. But this is difficult as to the smaller offices, which require to be filled immediately, as they become vacant & are not worth coming for from distant states. Hence they will unavoidably get into the sole occupation of the vicinities of the seat of government. — *Letter to Colonel Henry Lee*, April 26, 1790. Vol. V, p. 163. [Jefferson had just become Secretary of State. — Ed.]

With regard to appointments, I have so much confidence in the justice and good sense of the federalists, that I have no doubt they will concur in the fairness of the position, that after they have been in the exclusive possession of all offices from the very first origin of party among us, to the 3d of March, at 9 o'clock in the night, no republican ever admitted, & this doctrine newly avowed, it is now perfectly just that the republicans should come in for the vacancies which may fall in, until something like an equilibrium in office be restored; after which "Tros Tyriusque nullo discrimine habe-

tur." But the great stumbling block will be removals, which tho' made on those just principles only on which my predecessor ought to have removed the same persons, will nevertheless be ascribed to removal on party principles. Imprimis. I will expunge the effects of Mr. A[dams]'s indecent conduct in crowding nominations after he knew they were not for himself, till 9 o'clock of the night, at 12 o'clock of which he was to go out of office. . . .2d. Some removals must be made for misconduct. — *Letter to Dr. Benjamin Rush*, March 24, 1801. Vol. VIII, pp. 31–32.

There are there [New York] 3. distinct sections of republicans. You know them without my venturing a specification of them through the post. I have the confidential sentiments of the most respectable persons of each. Two of these sections disapprove of removal but on a very small scale indeed. The other has opened a battery on us as you will see by the inclosed paper. You will be at no loss for the source of this. We shall yield a little to their pressure, but no more than appears absolutely necessary to keep them together. And if that would be as much as to disgust other parts of the union,

we must prefer the greater to the lesser part. In Connecticut alone a general sweep seems to be called for on principles of justice and policy. Their legislature now sitting are removing every republican even from the commissions of the peace and the lowest offices. There then we will retaliate. Whilst the Federals are taking possession of all the state offices, exclusively, they ought not to expect we will leave them the exclusive possession of those at our disposal. The republicans have some rights: and must be protected. — *Letter to Wilson Cary Nicholas*, June 11, 1801. Vol. VIII, pp. 64–65.

When it is considered, that during the late administration, those who were not of a particular sect of politics were excluded from all office; when, by a steady pursuit of this measure, nearly the whole offices of the U. S. were monopolized by that sect; when the public sentiment at length declared itself, and burst open the doors of honor and confidence to those whose opinions they more approved, was it to be imagined that this monopoly of office was still to be continued in the hands of the minority? Does it violate their *equal rights*, to assert some rights in the majority also? Is it *political intolerance* to

claim a proportionate share in the direction of public affairs? . . .

The remonstrance laments "that a change in the administration must produce a change in the subordinate officers;" in other words, that it should be deemed necessary for all officers to think with their principal. But on whom does this imputation bear? On those who have been so excluded? I lament sincerely that unessential differences of political opinion should ever have been deemed sufficient to interdict half the society from the rights and blessings of self-government, to proscribe them as characters unworthy of every trust. It would have been to me a circumstance of great relief, had I found a moderate participation of office in the hands of the majority. I would gladly have left to time and accident to raise them to their just share. But their total exclusion calls for prompter correctives. I shall correct the procedure; but that done, disdain to follow it, shall return with joy to that state of things, when the only questions concerning a candidate shall be, is he honest? Is he capable? Is he faithful to the Constitution? — *Letter to a Committee of the Merchants of New Haven*, July 12, 1801. Vol. VIII, pp. 69–70.

Many vacancies have been made by death and resignation, many by removal for malversation in office and for open, active and virulent abuse of official influence in opposition to the order of things established by the will of the nation. Such removals continue to be made on sufficient proof. The places have been steadily filled with republican characters until of 316 offices in all the U. S. subject to appointment and removal by me, 130 only are held by federalists. . . . And this has been effected in little more than two years by means so moderate and just as cannot fail to be approved in future. Whether a participation of office in proportion to numbers should be effected in each state separately or in the whole states taken together is difficult to decide, and has not yet been settled in my own mind. It is a question of vast complications. — *Letter to William Duane*, July 24, 1803. Vol. VIII, p. 258.

It is rare that the public sentiment decides immorally or unwisely, and the individual who differs from it ought to distrust and examine well his own opinion. As to the character of the appointments which have been, & will be made,

I have less to fear as to the satisfaction they will give, provided the real appointments only be attended to, and not the lying ones of which the papers are daily full. . . . But as to removals from office, great differences of opinion exist. That some ought to be removed all will agree. That all should, nobody will say: And no two will probably draw the same line between these two extremes; consequently nothing like general approbation can be expected. Malconduct is a just ground of removal: mere difference of political opinion is not. The temper of some states requires a stronger procedure, that of others would be more alienated even by a milder course. — *Letter to William Findley*, March 24, 1801. Vol. VIII, p. 27. [Jefferson was then beginning his term as President. — Ed.]

On His Distaste for Public Life

If the public then has no claim on me, & my friends nothing to justify; the decision [of remaining in public life] will rest on my own feelings alone. There has been a time when these were very different from what they are now: when perhaps the esteem of the world was of higher value in my eye than everything

in it. But age, experience & reflection, preserving to that only it's due value, have set a higher on tranquility. The motion of my blood no longer keeps time with the tumult of the world. It leads me to seek for happiness in the lap and love of my family, in the society of my neighbors & my books, in the wholesome occupations of my farm & my affairs, in an interest or affection in every bud that opens, in every breath that blows around me, in an entire freedom of rest or motion, of thought or incognitancy, owing account to myself alone of my hours & actions. What must be the principle of that calculation which should balance against these the circumstances of my present existence! worn down with labours from morning to night, & day to day; knowing them as fruitless to others as they are vexatious to myself, committed singly in desperate & eternal contest against a host who are systematically undermining the public liberty & prosperity, even the rare hours of relaxation sacrificed to the society of persons, of whose hatred I am conscious even in those moments of conviviality when the heart wishes most to open itself to the effusions of friendship and confidence, cut off from my family & friends, my affairs

abandoned to chaos & derangement, in short giving everything I love, in exchange for everything I hate, and all this without a single gratification in possession or prospect, in present enjoyment or future wish. — *Letter to James Madison*, June 9, 1793. Vol. VI, pp. 291–292.

EDUCATION AND RELIGION

EDUCATION AND RELIGION

On Education

A longer race through life may have entitled me to seize some truths which have not yet been presented to your observation & more intimate knowledge of the country in which you are to live & of the circumstances in which you will be placed, may enable me to point your attention to the branches of science which will administer the most to your happiness there. The foundations which you have laid in languages and mathematics are proper for every superstructure. The former exercises our memory while that and no other faculty is yet matured & prevents our acquiring habits of idleness. The latter gives exercise to our reason, as soon as that has acquired a certain degree of strength, and stores the mind with truths which are useful in other branches of science. At this moment then a second order of preparation is to commence. I shall propose to you that it be extensive, comprehending Astronomy, Natural Philosophy (or Physics),

Natural History, Anatomy, Botany & Chemistry. No inquisitive mind will be content to be ignorant of any of these branches. But I would advise you to be contented with a course of lectures in most of them, without attempting to make yourself master of the whole. This is more than any genius joined to any length of life is equal to. You will find among them some one study to which your mind will more particularly attach itself. This then I would pursue & propose to attain eminence in. . . . You will find botany offering it's charms to you at every step. . . . Beside the comfort of knowledge, every science is auxiliary to every other. While you are attending these courses you can proceed by yourself in a regular series of historical reading. It would be a waste of time to attend a professor of this. It is to be acquired from books and if you pursue it by yourself you can accomodate it to your other reading so as to fill up those chasms not otherwise appropriated. There are portions of the day too when the mind should be eased, particularly after dinner it should be applied to lighter occupation: history is of this kind. It exercises principally the memory. Reflection also indeed is necessary but not generally in a laborious degree. To

conduct yourself in this branch of science you have only to consider what areas of it merit a grasp & what a particular attention, & in each area also to distinguish between the countries the knowledge of whose history will be useful & those where it suffices only to be not altogether ignorant. Having laid down your plan as to the branches of history you would pursue, the order of time will be your sufficient guide. . . . The histories of Greece and Rome are worthy a good degree of attention, they should be read in the original authors. The transition from antient to modern history will be best effected by reading Gibbon's. Then a general history of the principal states of Europe, but particular ones of England. Here too the original writers are to be preferred. . . . After the history of England that of America will claim your attention. Here too original authors & not compilers are best. An author who writes of his own times or of times near his own presents in his own ideas & manner the best picture of the moment of which he writes. . . . When you shall have got thro this second order of preparation the study of the law is to be begun. This like history is to be acquired from books. All the aid you will want will be a catalogue of

the books to be read & the order in which they are to be read. It being absolutely indifferent in what place you carry on this reading I should propose your doing it in France. The advantages of this will be that you will at the same time acquire the habit of speaking French which is the object of a year or two. You may be giving attention to such of the fine arts as your turn may lead you & you will be forming an acquaintance with the individuals & characters of a nation with whom we must long remain in the closest intimacy & to whom we are bound by the strong ties of gratitude and policy. A nation in short of the most amiable dispositions on earth, the whole mass of which is penetrated with an affection for us. You might before you return to your own country make a visit to Italy also.

I should have performed the office of but half a friend were I to confine myself to the improvement of the mind only. Knowledge indeed is a desirable, a lovely possession, but I do not scruple to say that health is more so. It is of little consequence to store the mind with science if the body be permitted to become debilitated. If the body be feeble, the mind will not be strong — the sovereign invigorator

of the body is exercise, and of all exercises walking is best. A horse gives but a kind of half exercise, and a carriage is no better than a cradle. No one knows, till he tries, how easily a habit of walking is acquired. . . . Not less than two hours a day should be devoted to exercise, and the weather should be little regarded. A person not sick will not be injured by getting wet. . . . Brute animals are the most healthy, & they are exposed to all weather, and, of men, those are healthiest who are the most exposed. The recipe of those two descriptions of beings is simple diet, exercise and the open air. — *Letter to Thomas Mann Randolph, Jr.*, August 27, 1786. Vol. IV, pp. 289–294.

Our post-revolutionary youth are born under happier stars than you and I were. They acquire all learning in their mother's womb, and bring it into the world ready made. The information of books is no longer necessary; and all knowledge which is not innate, is in contempt, or neglect at least. Every folly must run its round; and so, I suppose, must that of self-learning and self-sufficiency; of rejecting the knowledge acquired in past ages, and starting on the new ground of intuition.

When sobered by experience, I hope our successors will turn their attention to the advantages of education. I mean of education on the broad scale, and not that of the petty *academies*, as they call themselves, which are starting up in every neighborhood, and where one or two men, possessing Latin and sometimes Greek, a knowledge of the globes, and the first six books of Euclid, imagine and communicate this as the sum of science. They commit their pupils to the theatre of the world, with just taste enough of learning to be alienated from industrious pursuits, and not enough to do service in the ranks of science. — *Letter to John Adams*, July 5, 1814. Vol. IX, p. 464.

On Public Education

I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised, for the preservation of freedom and happiness. . . . Preach, my dear Sir, a crusade against ignorance; establish & improve the law for educating the common people. Let our countrymen know that the people alone can protect us against these evils,[1] and that the

[1] The miseries of the common people of France at that time.

tax which will be paid for this purpose is not more than the thousandth part of what will be paid to kings, priests & nobles who will rise up among us if we leave the people in ignorance. — *Letter to George Wythe*, August 13, 1786. Vol. IV, pp. 268–269.

On Education and Local Government

I have indeed two great measures at heart, without which no republic can maintain itself in strength. 1. That of general education, to enable every man to judge for himself what will secure or endanger his freedom. 2. To divide every county into hundreds, of such size that all the children of each will be within a central school in it. . . . These little republics would be the main strength of the great one. We owe to them the vigor given to our revolution in its commencement in the Eastern States. — *Letter to Governor Tyler*, May 26, 1810. Quoted by J. S. Williams, *Thomas Jefferson*, p. 96.

There are two subjects, indeed, which I shall claim a right to further as long as I breathe, the public education, and the sub-division of counties into wards. I consider the continuance of republican government as absolutely hanging on

these two hooks. Of the first, you will, I am sure, be an advocate, as having already reflected on it, and of the last, when you shall have reflected. — *Letter to J. C. Cabell*, January 31, 1814. Vol. IX, p. 453.

On the Objects of Primary Education

1. To give to every citizen the information he needs to transact his own business.
2. To enable him to calculate for himself and to express and preserve his ideas, contracts and accounts in writing.
3. To improve, by reading, his faculties and morals.
4. To understand his duties to his neighbors and his country, and to discharge with competence the functions confided to him by either.
5. To know his rights; to exercise with order and justice those he retains; to choose with discretion the fiduciary of those he delegates, and to notice their conduct with diligence, candor and judgment.
6. And, in general, to observe with intelligence and faithfulness all the social relations under which he shall be placed. — Quoted by J. S. Williams, *Thomas Jefferson*, p. 267.

On Moral Philosophy

I think it lost time to attend lectures in this branch. He who made us would have been a pitiful bungler if he had made the rules of our moral conduct a matter of science. For one man of science, there are thousands who are not. What would have become of them? Man was destined for society. His morality therefore was to be formed to this object. He was endowed with a sense of right & wrong merely relative to this. This sense is as much part of his nature as the sense of hearing, seeing, feeling; it is the true foundation of morality, & not the *το καλον*, truth, &c. as fanciful writers have imagined. The moral sense, or conscience, is as much a part of man as his leg or arm. It is given to all human beings in a stronger or weaker degree, as force of members is given them in a greater or less degree. It may be strengthened by exercise, as may any particular limb of the body. This sense is submitted indeed in some degree to the guidance of reason; but it is a small stock which is required for this: even a less one than what we call common sense. State a moral case to a ploughman & a professor. The former will decide it as well, & often

better than the latter, because he has not been led astray by artificial rules. In this branch therefore read good books because they will encourage as well as direct your feelings. The writings of Sterne particularly form the best course of morality that ever was written. Besides these read the books mentioned in the enclosed paper; and above all things lose no occasion to be generous, to be charitable, to be humane, to be true, just, firm, orderly, courageous &c. Consider every act of this kind as an exercise which will strengthen your moral faculties, & increase your worth. — *Letter to Peter Carr*, August 10, 1787. Vol. IV, pp. 428–429.

On Christ

The doctrines of Jesus are simple, and tend all to the happiness of man.

1. That there is one only God, and he all perfect.

2. That there is a future state of rewards and punishments.

3. That to love God with all thy heart and thy neighbor as thyself, is the sum of religion. These are the great points on which he endeavored to reform the religion of the Jews.

But compare with these the demoralizing dogmas of Calvin.

1. That there are three Gods.

2. That good works, or the love of our neighbor, are nothing.

3. That faith is every thing, and the more incomprehensible the proposition, the more merit in its faith.

4. That reason in religion is of unlawful use.

5. That God, from the beginning, elected certain individuals to be saved, and certain others to be damned; and that no crimes of the former can damn them; no virtues of the latter save.

Now, which of these is the true and charitable Christian? He who believes and acts on the simple doctrines of Jesus? Or the impious dogmatists, as Athanasius and Calvin? Verily I say these are the false shepherds foretold as to enter not by the door into the sheepfold, but to climb in some other way. They are mere usurpers of the Christian name, teaching a counter-religion made up of the *deliria* of crazy imaginations, as foreign from Christianity as is that from Mahomet. Their blasphemies have driven thinking men into infidelity, who have too hastily rejected the supposed author him-

self, with the horrors so falsely imputed to him. Had the doctrines of Jesus been preached always as pure as they came from his lips, the whole civilized world now would have been Christian. I rejoice that in this blessed country of free inquiry and belief, which has surrendered its creed and conscience to neither kings nor priests, the genuine doctrine of one only God is reviving, and I trust that there is not a *young man* now living in the United States who will not die an Unitarian.

But much I fear, that when this great truth shall be re-established, its votaries will fall into the fatal error of fabricating formulas of creed and confessions of faith, the engines which so soon destroyed the religion of Jesus, and made of Christendom a mere Aceldama. — *Letter to Dr. Benjamin Waterhouse*, June 26, 1822. Vol. X, pp. 219–220.

I rejoice that you have undertaken the task of comparing the moral doctrines of Jesus with those of the ancient Philosophers. You are so much in possession of the whole subject, that you will do it easier & better than any other person living. I think you cannot avoid giving, as preliminary to the comparison, a digest of

his moral doctrines, extracted in his own words from the Evangelists, and leaving out everything relative to his personal history and character. It would be short and precious. With a view to do this for my own satisfaction, I had sent to Philadelphia to get two testaments Greek of the same edition, & two English, with a design to cut out the morsels of morality, and paste them on the leaves of a book, in the manner you describe as having been pursued in forming your Harmony. But I shall now get the thing done by better hands. — *Letter to Dr. Joseph Priestley*, January 29, 1804. Vol. VIII, p. 294.

On Christianity

In a comparative view of the Ethics of the enlightened nations of antiquity, of the Jews and of Jesus, no notice should be taken of the corruptions of reason among the ancients, to wit, the idolatry & superstition of the vulgar, nor of the corruptions of Christianity by the learned among its professors. . . .

I. Philosophers. 1. Their precepts related chiefly to ourselves, and the government of those passions which, unrestrained, would disturb our tranquillity of mind. In this branch of philosophy they were really great. 2. In

developing our duties to others, they are short and defective. They embraced, indeed, the circles of kindred & friends, and inculcated patriotism, or the love of our country in the aggregate, as a primary obligation: toward our neighbors & countrymen they taught justice, but scarcely viewed them as within the circle of benevolence. Still less have they inculcated peace, charity & love to our fellow men, or embraced with benevolence the whole family of mankind.

II. Jews. 1. Their system was Deism; that is, the belief of one only God. But their ideas of him & of his attributes were degrading & injurious. 2. Their Ethics were not only imperfect, but often irreconciliable with the sound dictates of reason & morality, as they respect intercourse with those around us; & repulsive & anti-social respecting other nations. . . .

III. Jesus. In this state of things among the Jews, Jesus appeared. His parentage was obscure; his condition poor; his education null; his natural endowments great; his life correct and innocent: he was meek, benevolent, patient, firm, disinterested, & of the sublimest eloquence.

The disadvantages under which his doctrines appear are remarkable.

1. Like Socrates & Epictetus, he wrote nothing himself.

2. But he had not, like them, a Xenophon or an Arrian to write for him. On the contrary, all the learned of his country, entrenched in its power and riches, were opposed to him — lest his labors should undermine their advantages; and the committing to writing his life & doctrines, fell on the most unlettered & ignorant men, who wrote, too, from memory, & not till long after the transactions had passed.

3. According to the ordinary fate of those who attempt to enlighten and reform mankind, he fell an early victim to the jealousy & combination of the altar and the throne, at about 33 years of age, his reason having not yet attained the *maximum* of its energy, nor the course of his preaching, which was but of 3 years at most, presented occasions for developing a complete system of morals.

4. Hence the doctrines which he really delivered were defective as a whole, and fragments only of what he did deliver have come to us mutilated, misstated, & often unintelligible.

5. They have been still more disfigured by the corruptions of schismatising followers, who

have found an interest in sophisticating & perverting the simple doctrines he taught by engrafting on them the mysticisms of a Grecian sophist, frittering them into subtleties, & obscuring them with jargon, until they have caused good men to reject the whole in disgust, & to view Jesus himself as an impostor.

Notwithstanding these disadvantages, a system of morals is presented to us, which, if filled up in the true style and spirit of the rich fragments he left us, would be the most perfect and sublime that has ever been taught by man.

The question of his being a member of the Godhead, or in direct communication with it, claimed for him by some of his followers, and denied by others, is foreign to the present view, which is merely an estimate of the intrinsic merit of his doctrines.

1. He corrected the Deism of the Jews, confirming them in their belief of one only God, and giving them juster notions of his attributes and government.

2. His moral doctrines, relating to kindred & friends, were more pure & perfect than those of the most correct of the philosophers, and greatly more so than those of the Jews; and they went far beyond both in inculcating uni-

versal philanthropy, not only to kindred and friends, to neighbors and countrymen, but to all mankind, gathering all into one family, under the bonds of love, charity, peace, common wants and common aids. . . .

3. The precepts of philosophy, & of the Hebrew code, laid hold of actions only. He pushed his scrutinies into the heart of man; erected his tribunal in the region of his thoughts — and purified the waters at the fountain head.

4. He taught, emphatically, the doctrines of a future state, which was either doubted, or disbelieved by the Jews; and wielded it with efficacy, as an important incentive, supplementary to the other motives to moral conduct. — *Syllabus of an Estimate of the Merit of the Doctrines of Jesus, Compared with Those of Others*, April, 1803. Drawn up for Benjamin Rush. Vol. VIII, pp. 223–228.

On Religion

I, too, have made a wee-little book from the same materials, which I call the Philosophy of Jesus; it is a pardigma of his doctrines, made by cutting the texts out of the book [the Bible], and arranging them on the pages of a blank book, in a certain order of time or subject. A

Your reason is now mature enough to examine this object. In the first place divest yourself of all bias in favour of novelty & singularity of opinion. Indulge them in any other subject rather than that of religion. It is too important, & the consequences of error may be too serious. On the other hand shake off all the fears & servile prejudices under which weak minds are servilely crouched. Fix reason firmly in her seat, and call to her tribunal every fact, every opinion. Question with boldness even the existence of a god; because, if there be one, he must more approve of the homage of reason, than that of blindfold fear. You will naturally examine first the religion of your own country. Read the bible then, as you would read Livy or Tacitus. The facts which are within the ordinary course of nature you will believe on the authority of the writer, as you do those of the same kind in Livy & Tacitus. The testimony of the writer weighs in their favor in one scale, and their not being against the laws of nature does not weigh against them. But those facts in the bible which contradict the laws of nature, must be examined with more care, and under a variety of faces. Here you must recur to the pretensions of the writer to inspiration

from god. Examine upon what evidence his pretensions are founded, and whether that evidence is so strong as that its falsehood would be more improbable than a change in the laws of nature in the case he relates. . . . You will next read the new testament. It is the history of a personage called Jesus. Keep in your eye the opposite pretensions 1. of those who say he was begotten by god, born of a virgin, suspended & reversed the laws of nature at will, & ascended bodily into heaven: and 2. of those who say he was a man of illegitimate birth, of a benevolent heart, enthusiastic mind, who set out without pretensions to divinity, ended in believing them, & was punished capitally for sedition by being gibbetted according to the Roman law which punished the first commission of that offence by whipping, & the second by exile or death *in furca*. See this law in the Digest Lib. 48. tit. 19. # 28. 3. & Lipsius Lib. 2. de cruce. cap. 2. These questions are examined in the books I have mentioned under the head of religion, & several others. They will assist you in your inquiries, but keep your reason firmly on the watch in reading them all. Do not be frightened from this inquiry by any fear of it's consequences. If it ends in a belief that

there is no god, you will find incitements to virtue in the comfort & pleasantness you feel in it's exercise, and the love of others which it will procure you. If you find reason to believe there is a god, a consciousness that you are acting under his eye, & that he approves you, will be a vast additional incitement; if that there be a future state, the hope of a happy existence in that increases the appetite to deserve it; if that Jesus was also a god, you will be comforted by a belief in his aid and love. In fine, I repeat that you must lay aside all prejudice on both sides, & neither believe nor reject anything because and other persons, or description of persons have rejected or believed it. Your own reason is the only oracle given you by heaven, and you are answerable not only for the rightness but uprightness of the decision. I forgot to observe when speaking of the new testament that you should read all the histories of Christ, as well of those whom a council of ecclesiastics have decided for us to be Pseudo-evangelists, as those they named Evangelists. Because these Pseudo-evangelists pretended to inspiration as much as the others, and you are to judge their pretensions by your own reason, & not by the reason of those

ecclesiastics. — *Letter to Peter Carr*, August 10, 1787. Vol. IV, pp. 430–432.

We are not in a world ungoverned by the laws and the power of a superior agent. Our efforts are in his hand, and directed by it; and he will give them their effect in his own time. — *Letter to David Barrow*, May 1, 1815. Vol. IX, p. 516.

On Religion and Priesthoods

You judge truly that I am not afraid of the priests. They have tried upon me all their various batteries, of pious whining, hypocritical canting, lying & slandering, without being able to give me one moment of pain. I have contemplated their order from the Magi of the East to the Saints of the West, and I have found no difference of character, but of more or less caution, in proportion to their information or ignorance of those on whom their interested duperies were to be plaid off. Their sway in New England is indeed formidable. No mind beyond mediocrity dares there to develope itself. If it does, they excite against it the public opinion which they command, & by little, but incessant and teasing persecutions, drive it

from among them. Their present emigrations to the Western country are real flights from persecution, religious & political, but the abandonment of the country by those who wish to enjoy freedom of opinion leaves the despotism over the residue more intense, more oppressive. They are now looking to the flesh pots of the South and aiming at foothold there by their missionary teachers. They have lately come forward boldly with their plan to establish "*a qualified religious instructor* over every thousand souls in the U. S." And they seem to consider none as qualified but their own sect. — *Letter to Horatio Gates Spafford*, January 10, 1816. Vol. X, pp. 12–13.

On Religious Toleration

To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness; and is withdrawing from the ministry

those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; and therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust or emolument, unless he profess or renounce this or that religious opinion, is depriving him injudiciously of those privileges and advantages to which, in common with his fellow-citizens, he has a natural right; that it tends also to corrupt the principles of that very religion it is meant to encourage, by bribing with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminals who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that the opinions of man are not the object of civil government, nor under its jurisdiction; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propa-

gation of principles on supposition of their ill tendency is a dangerous falacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or suffer from his own; that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted to contradict them. — *From the Bill establishing religious freedom, introduced by Jefferson in the Virginia Legislature*, June 13, 1779. It was not passed until 1786. Vol. II, pp. 238–239.

From the dissensions among sects themselves arises necessarily a right of chusing & necessity of deliberating to which we will conform, but if we chuse for ourselves, we must allow others to

chuse also, & to reciprocally [*sic*]. This establishes religious liberty.

Why require those things in order to ecclesiastical communion which Christ does not require in order to life eternal? [*sic*] How can that be the church of Christ which excludes such persons from its communion as he will one day receive into the kingdom of heaven.

The arms of a religious society or church are exhortations, admonitions & advice, & ultimately expulsion or excommunication. This last is the utmost limit of power.

How far does the duty of toleration extend?

1. No church is bound by the duty of toleration to retain within her bosom obstinate offenders against her laws.

2. We have no right to prejudice another in his *civil* enjoyments because he is of another church. If any man err from the right way, it is his misfortune, no injury to thee; nor therefore art thou to punish him in the things of this life because thou supposeth he will be miserable in that which is to come — on the contrary according to the spirit of the gospel, charity, bounty, liberality is due to him.

Every church being free, no one can have

jurisdiction over another one, not even when the civil magistrate joins it. . . .

The care of every man's soul belongs to himself. But what if he neglect the care of it? Well what if he neglect the care of his health or estate, which more nearly relate to the state. Will the magistrate make a law that he shall not be poor or sick? Laws provide against injury from others; but not from ourselves. God himself will not save men against their wills. . . .

I cannot give up my guidance to the magistrate, because he knows no more of the way to heaven than I do, & is less concerned to direct me right than I am to go right. . . .

No man has *power* to let another prescribe his faith. Faith is not faith without believing. No man can conform his faith to the dictates of another. The life & essence of religion consists in the internal persuasion or belief of the mind. External forms of worship, when against our belief are hypocrisy & impiety. Rom. 14.23. "He that doubteth is damned, if he eat, because he eateth not of faith: for whatsoever is not faith, is sin. . . ."

Compulsion in religion is distinguished peculiarly from compulsion in every other thing. I

may grow rich by art I am compelled to follow, I may recover health by medecines I am compelled to take against my own judgment, but I cannot be saved by a worship I disbelieve & abhor. . . .

Whatsoever is lawful in the Commonwealth, or permitted to the subject in the ordinary way, cannot be forbidden to him for religious uses: & whatsoever is prejudicial to the Commonwealth in their ordinary uses & therefore prohibited by the laws, ought not to be permitted to churches in their sacred rites. . . .

Truth will do well enough if left to shift for herself. She seldom has received much aid from the power of great men to whom she is rarely known & seldom welcome. She has no need of force to procure entrance into the minds of men. Error has indeed often prevailed by the assistance of power or force. Truth is the proper & sufficient antagonist to error. If anything pass in a religious meeting seditiously and contrary to the public peace, let it be punished in the same manner & no otherwise than as if it had happened in a fair or market. . . .

He [Locke] says "neither Pagan nor Mahomedan nor Jew ought to be excluded from the

civil rights of the Commonwealth because of his religion." Shall we suffer a Pagan to deal with us and not suffer him to pray to his god? Why have Xns been distinguished above all people who have ever lived, for persecutions? Is it because it is the genius of their religion? No, it's genius is the reverse. It is refusing *toleration* to those of a different opinion which has produced all the bustles and wars on account of religion. It was the misfortune of mankind that during the darker centuries the Xn priests following their ambition and avarice combining with the magistrate to divide the spoils of the people, could establish the notion that schismatics might be ousted of their possessions and destroyed. This notion we have not yet cleared ourselves from. In this case no wonder the oppressed should rebel, & they will continue to rebel & raise disturbance until their civil rights are fully restored to them & all partial distinctions, exclusions & incapacitations removed. — *From among papers labeled "Scraps Early in the Revolution."* Vol. II, pp. 99–103.

On Enforced Uniformity

It is a singular anxiety which some people have that we should all think alike. Would the world be more beautiful were all our faces alike? were our tempers, our talents, our tastes, our forms, our wishes, aversions and pursuits cast exactly in the same mould? If no varieties existed in the animal, vegetable or mineral creation, but all move strictly uniform, catholic & orthodox, what a world of physical and moral monotony would it be! These are the absurdities into which those run who usurp the throne of God and dictate to Him what He should have done. — *Letter to Charles Thomson*, January 29, 1817. Vol. X, p. 76.

THE ART OF LIVING

THE ART OF LIVING

On Looking Forwards Rather Than Backwards

The Gothic idea that we are to look backwards instead of forwards for the improvement of the human mind, and to recur to the annals of our ancestors for what is most perfect in government, in religion & in learning, is worthy of those bigots in religion & government, by whom it has been recommended, & whose purposes it would answer. But it is not an idea which this country will endure; and the moment of their showing it is fast ripening. — *Letter to Joseph Priestley*, January 27, 1800. Vol. VII, p. 415.

On Travel

This makes men wiser, but less happy. When men of sober age travel, they gather knolege [*sic*] which they may apply usefully for their country, but they are subject ever after to recollections mixed with regret, their affections are weakened by being extended over more

objects, & they learn new habits which cannot be gratified when they return home. Young men who travel are exposed to all these inconveniences in a higher degree, to others still more serious, and do not acquire that wisdom for which a previous foundation is requisite by repeated & just observations at home. The glare of pomp & pleasure is analogous to the motion of their blood, it absorbs all their affection & attention, they are torn from it as from the only good in this world, and return to their home as to a place of exile & condemnation. Their eyes are for ever turned back to the object they have lost, & it's recollection poisons the residue of their lives. Their first & most delicate passions are hackneyed on unworthy objects here, & they carry home only the dregs, insufficient to make themselves or anybody else happy. Add to this a habit of idleness, an inability to apply themselves to business is acquired & renders them useless to themselves & their country. These observations are founded in experience. There is no place where your pursuit of knoledge [*sic*] will be so little obstructed by foreign objects as in your own country, nor any wherein the virtues of the heart will be less exposed to be weakened. — *Letter*

to Peter Carr, August 10, 1787. Vol. IV, pp. 432–433.

On Extravagance

Among many good qualities which my countrymen possess some of a different character, unhappily mix themselves. The most remarkable are indolence, extravagance, & infidelity to their engagements. Cure the two first, and the last would disappear, because it is a consequence of them, and not proceeding from want of morals. I know of no remedy against indolence & extravagance but a free course of justice. Everything else is merely palliative; but unhappily the evil has gained too generally the mass of the nation to leave the course of justice unobstructed. The maxim of buying nothing without the money in our pocket to pay for it, would make of our country one of the happiest upon earth. Experience during the war proved this; as I think every man will remember that under all the privations it obliged him to submit to during that period he slept sounder & awaked happier than he can do now. — *Letter to A. Donald*, July 28, 1787. Vol. IV, p. 414.

On Lack of Time

No person will have occasion to complain of the want of time who never loses any. It is wonderful how much may be done if we are always doing. — *Letter to Martha Jefferson*, May 5, 1787. Vol. IV, p. 388.

On Indolence

Of all the cankers of human happiness none corrodes with so silent, yet so baneful an influence, as indolence. Body and mind both unemployed, our being becomes a burthen, and every object about us loathsome, even the dearest. Idleness begets ennui, ennui the hypochondriac, and that a diseased body. No laborious person was ever yet hysterical. Exercise and application produce order in our affairs, health of body and cheerfulness of mind, and these make us precious to our friends. It is while we are young that the habit of industry is formed. If not then, it never is afterwards. The fortune of our lives, therefore, depends on employing well the short period of youth. — *Letter to Martha Jefferson*, March 28, 1787. Vol. IV, p. 372.

On Friendship

AN IMAGINARY DIALOGUE

Head. "Everything in this world is a matter of calculation. Advance then with caution, the balance in your hand. Put into one scale the pleasures which any object may offer; but put fairly into the other the pains which are to follow, & see which preponderates. The making an acquaintance is not a matter of indifference. When a new one is proposed to you, view it all round. Consider what advantages it presents, & to what inconveniences it may expose you. Do not bite at the bait of pleasure till you know there is no hook beneath it. The art of life is the art of avoiding pain: & he is the best pilot who steers clearest of the rocks & shoals with which he is beset. Pleasure is always before us; but misfortune is at our side: while running after that, this arrests us. The most effectual means of being secure against pain is to retire with ourselves, & to suffice for our own happiness. Those, which depend on ourselves, are the only pleasures a wise man will count on: for nothing is ours which another may deprive us of. Hence the inestimable value of intellectual pleasures. Ever in our

power, always leading us to something new, never cloying, we ride serene & sublime above the concerns of this mortal world, contemplating truth & nature, matter & motion, the laws which bind up their existence, & that eternal being who made & bound them up by those laws. Let this be our employ. Leave the bustle & tumult of society to those who have not talents to occupy themselves without them. Friendship is but another name for an alliance with the follies & the misfortunes of others. Our own share of miseries is sufficient: why enter then as volunteers into those of another? Is there so little gall poured into our cup that we must needs help to drink that of our neighbor? A friend dies or leaves us: we feel as if a limb was cut off. He is sick: we must watch over him, & participate of his pains. His fortune is shipwrecked; ours must be laid under contribution. He loses a child, a parent, or a partner: we must mourn the loss as if it were our own.

Heart. And what more sublime delight than to mingle tears with one whom the hand of heaven hath smitten! to watch over the bed of sickness, & to beguile it's tedious & it's painful moments! to share our bread with one

to whom misfortune has left none! This world abounds indeed with misery: to lighten it's burthen we must divide it with another. But let us try the virtues of your mathematical balance, & as you have put into one scales the burthen of friendship, let me put it's comforts into the other. When languishing then under disease, how grateful is the solace of our friends! how are we penetrated with their assiduities & attentions! how much are we supported by their encouragement & kind offices! When heaven has taken from us some object of our love, how sweet is it to have a bosom whereon to recline our heads, & into which we may pour the torrent of our tears! Grief, with such a comfort, is almost a luxury! In a life where we are perpetually exposed to want & accident, yours is a wonderful proposition, to insulate ourselves, to retire from all aid, & to wrap ourselves in the mantle of self-sufficiency! For assuredly nobody will care for him who cares for nobody. But friendship is precious, not only in the shade but in the sunshine of life; & thanks to a benevolent arrangement of things, the greater part of life is sunshine. . . . Let the gloomy monk, sequestered from the world, seek unsocial pleasures in the bottom of

his cell! Let the sublimated philosopher grasp visionary happiness while pursuing phantoms dressed in the garb of truth! Their supreme wisdom is supreme folly; & they mistake for happiness the mere absence of pain. Had they ever felt the solid pleasure of one generous spasm of the heart, they would exchange for it all the frigid speculations of their lives, which you have been vaunting in such elevated terms. — *Dialogue between Head and Heart in letter to Mrs. Maria Cosway*, October 12, 1786. Vol. IV, pp. 317–319.

On the Rules of Good Society

I have mentioned good humor as one of the preservatives of our peace & tranquillity. It is among the most effectual, and its effect is so well imitated and aided, artificially, by politeness, that this also becomes an acquisition of first rate value. In truth, politeness is artificial good humor, it covers the natural want of it, & ends by rendering habitual a substitute nearly equivalent to the real virtue. It is the practice of sacrificing to those whom we meet in society, all the little conveniences & preferences which will gratify them, & deprive us of nothing worth a moment's consideration; it is the giving a

pleasing & flattering turn to our expressions, which will conciliate others, and make them pleased with us as well as themselves. How cheap a price for the good will of another! When this is in return for a rude thing said by another, it brings him to his senses, it mortifies & corrects him in the most salutary way, and places him at the feet of your good nature, in the eyes of the company. But in stating prudential rules for our government in society, I must not omit the important one of never entering into dispute or argument with another. I never saw the instance of two disputants convincing the other by argument. . . . Conviction is the effect of our own dispassionate reasoning, either in solitude, or weighing within ourselves, dispassionately, what we hear from others, standing uncommitted in argument ourselves. It was one of the rules which, above all others, made Doctor Franklin the most amiable of men in society, "never to contradict anybody." If he was urged to announce an opinion, he did it rather by asking questions, as if for information, or by suggesting doubts. . . . Good humor & politeness never introduce into mixed society, a question on which they foresee there will be a difference of

opinion. — *Letter to Thomas Jefferson Randolph*, November 24, 1808. Vol. IX, pp. 231–233.

On the Rules for Practical Life

1. Never put off till to-morrow what you can do to-day.
2. Never trouble another for what you can do for yourself.
3. Never spend your money before you have it.
4. Never buy what you do not want, because it is cheap; it will be dear to you.
5. Pride costs us more than hunger, thirst and cold.
6. We never repent of having eaten too little.
7. Nothing is troublesome that we do willingly.
8. How much pain have cost us the evils which have never happened.
9. Take things always by their smooth handle.
10. When angry, count ten, before you speak; if very angry, an hundred. — *Letter to Thomas Jefferson Smith*, February 21, 1825. Vol. X, p. 341.

His Own Epitaph

HERE WAS BURIED
THOMAS JEFFERSON
AUTHOR
OF THE DECLARATION OF
AMERICAN INDEPENDENCE
OF
THE STATUTE OF VIRGINIA
FOR RELIGIOUS FREEDOM, AND
FATHER OF THE UNIVERSITY
OF VIRGINIA
BORN APRIL 2D
1743 O.S.
DIED [JULY 4]
[1826]

HAMILTONIAN PRINCIPLES

INTRODUCTION

It is fitting that a volume of extracts from the works of Hamilton should be published as a companion to the similar one displaying the principles of Jefferson. The bitter personal contest between the two men belongs to the history of the past, but the contest between their contrasted systems of thought belongs to the living present.

As in the case of Jefferson, no attempt will be made in this Introduction to narrate, even briefly, the biographical details of Hamilton's life. They can be found ably, if not always impartially, told in many volumes. Nor is it needful here to elaborate a comparison between the two leaders or their schools of thought. Such a comparison may be readily drawn by the reader himself from the extracts selected.

In both volumes the editor has tried to choose such passages as are of general application and abiding interest rather than such as might elucidate or justify actions or episodes in the lives of the writers. Both volumes are intended to be not footnotes to history or biography, but

handy compendiums of the body of principles developed by their authors. Anyone familiar with the writings of Hamilton will realize that this plan is more difficult of execution in his case than in Jefferson's. All of Hamilton's writings are remarkably cogent, closely reasoned, logical, and clear, but they are also diffuse. He had the lawyer's love of piling phrase on phrase and letting no possible shade of meaning escape.

He was not a philosopher, nor was he in any great degree an original thinker. He did not have an inquiring mind, and the range of his interests was comparatively narrow. I have never, for example, come across a word by him on education nor does the heading appear in the index to his collected works. On the other hand, in the practical application of his political faith to the problems confronting the new country, no one surpassed him, and no man of his time left a deeper impress upon the form of the nation than he. Nor did any of the Fathers leave a more influential body of expressed doctrine than did he in his papers comprised in the *Federalist.*

Hamilton's fundamental idea, which it is needful to emphasize in order to understand the political edifice which he tried to erect, was

distrust of the common man. He believed that the great generality of men were incapable of self-government, due to ignorance, selfishness, absence of self-control and other qualities — or lack of them. Looking back over history, he rightly saw that this had always been the case. Looking ahead, he saw no reason to believe it would ever be any different. Human nature, he thought, would not change. Thoroughly convinced of that, and being a practical man without the dreams of an enthusiast or idealist, the inferences he drew were obvious.

He did not limit his distrust to the common people. He distrusted human nature itself and believed that the spring of action which could most safely be counted upon was self-interest. He was himself a self-made man and had much of the self-made man's admiration for success and contempt for failure, as he himself judges both. A poor immigrant, with the shadow of the bar sinister cast across his path, he had nevertheless achieved a distinguished position, married the daughter of a financially and socially prominent family, and, through his own energy and ability, become one of the leaders of the country at an age when most men were beginning their careers. His acquaintance with men

in various ranks of society had led him to the belief that all ranks had their peculiar virtues and vices, but that the vices of the rich would be less dangerous for a governing class than would the vices of the poor. All these facts must be taken into consideration in tracing the roots of his political philosophy.

On such a basis Hamilton proceeded to develop his ideas. Talk about liberty in the abstract did not greatly interest him. He was too practical and it appeared foolish to prate much about liberty when it seemed too unfortunately evident that men in the mass were not capable of governing themselves. In a democracy he could foresee only eventual anarchy, with liberty for no one. He recognized the necessity of going further toward a republican form of government than he would have liked, because the people at large had come to expect so much that something had to be given to them, but as to the real organs of government, he thought they should be kept as far as possible in the hands of those who by their position in society showed that they had ability to govern and property interests to protect. It is obvious why Hamilton was not interested in the idea of popular education and of gradually lifting the

entire mass of possible electors to a position where they might be more capable of self-government. Owing to his distrust of human nature, that plan would appear to him to have nothing practical in it. He may have been right. The problem is by no means solved after two centuries of red schoolhouses and mass production in universities. This Introduction is not intended as a critique, but an outline of Hamilton's political philosophy. That philosophy he had a unique opportunity to impress upon the country, as a member of the Constitutional Convention which drafted the Constitution, as the leading advocate for its adoption, and as the chief cabinet officer in the first years of establishing the new government.

It was clear what he would try to do in putting his general concepts into practice. In the first place, both the scheme of government and its practical operation must be so devised as to keep the common people as much out of it as was possible, compatible with their pretensions to power. As far as might be, the reins must be in the hands of the successful, to ensure ability and stability both. If the people were not capable of governing, they must be governed.

To do that implied concentrated strength in the central government. Instead of keeping the power as near the people as could be, in a gradation of lessened duties upward from town meetings to Federal Congress, letting each do all possible before transmitting powers and duties to the one above, Hamilton reversed the structure, and desired that the Federal government should be the main source of power. In the conflict between the nation and the states, it was the states he feared as the future destroyers of liberty, because he felt that the only liberty for the people themselves which could be achieved would be that permitted to the individual by the strength of the governors, not a doctrinaire liberty which inhered by any natural process in the governed themselves.

Almost the entire body of Hamilton's writing is devoted, directly or indirectly, to the problem of strengthening the central, that is the Federal, organ of government. But there was one other fundamental idea at the bottom of all his plans. There would be no use in having a government strong in powers on paper unless it could exert that power in practice. Hamilton recognized that the world had gone too far to rely solely on force, although he never hesitated

to invoke it. He realized that in some way a favorable public opinion would have to be organized. A government of the many by the few could not exist without it. The strongest element in human nature would have to be enlisted on its behalf. That element he believed to be self-interest, and self-interest to be manifested most strongly in money matters. From the start, therefore, he undertook to push through measures which would not only enlist the moneyed interest of the new country on the side of government but would enlarge both the extent and numbers of such interest. His part as statesman would be to tie up the success of all who had money with the success of the government, to tie them so closely as to make the success of the government an inevitable element in their personal successes. To do that with such moneyed men as already existed, would be the first step. To increase the number of moneyed men, would be the second. An independent farmer might be a rebellious subject. A man who had money in government bonds or whose business was dependent upon a tariff made by the government, would be a loyal citizen. If this idea, in the stark simplicity of its psychology and logic, seems

somehow rather remote from the Declaration of Independence, it must be admitted, nevertheless, to have been enormously successful in practice then and ever since.

Most of the extracts which follow will be found to be variations on these few simple themes. They cover, to a great extent, the same ground traversed in the extracts in the first section of the Jefferson volume. The reader may compare them, topic for topic. It may be noted that, owing to the nature of Hamilton's state papers, the extracts do not do full justice to the superb logical development of his ideas. For that reason some further comment on his practical application of them may be permissible and useful.

The selections on "The People," as well as references scattered elsewhere, show clearly his attitude in that regard, though none of them is as forcibly expressed as his remark in conversation: "Your People, Sir, your People is a great beast." His desire for a strong central government is brought out in many of the extracts, and not only in those which are more particularly grouped under that topic. It was in his writings especially on the formation of a government bank that Hamilton developed his

ideas on the powers of the Federal government to their greatest extent. It was for the express purpose of making possible the establishment of that institution, which was to be the keystone of his entire financial system, that he found it necessary to proclaim his theory of *implied* powers. It has been, of course, this theory, now almost universally accepted, which has permitted and fostered the colossal and originally unintended growth of the national as contrasted with the state governments. What Jefferson feared and what Hamilton scarce dared hope, has come to pass, and, in spite of much talk about "sovereignty," the states have become for most purposes merely administrative units. It may be noted that in this respect the trends in the two great English-speaking empires have been opposite for a century and more. Whereas the larger units of the British Empire are steadily becoming more independent and self-governing, in the United States they have as steadily lost their independent life and been absorbed into the larger power of the Union.

If in his papers on the Bank Hamilton laid the foundations for the colossal extension of Federal powers, it was in his "Report on the

National Credit" that he brought the money power and the nation into close alliance. It is one of his longest and most important state papers, but singularly unquotable in bits. His plan was to enlist the support for government of all those who had money to invest by funding the state and national debts. A large part of these were in the hands of merchants, financiers, and gamblers, all of whom would at once become staunch defenders of the social order as soon as the much depreciated securities were made to be worth par by the act of assumption. Perhaps no other scheme of Hamilton's created more bitter opposition on the part of those who were among the "have-nots," but it was immediately and immensely successful in enlisting the support of all the richer classes.

But Hamilton was aware that a wider base than such as was thus provided would become necessary. Numbers as well as riches were needed in increasing measure on the side of government. He placed little or no confidence in the self-governing ability of the small farmer, and ninety per cent of the population was then agricultural. Even of the class of rich men, only a portion could be directly linked to the chariot of government by owning a share in it.

It was, for the most part, only the city men who had idle cash, whereas most of the large landed proprietors were apt to be borrowers rather than lenders. It was evidently necessary to create a new class of moneyed men, for the number of merchants would always bear a more or less fixed proportion to the number of farmers. This accounts for the extraordinarily able "Report on Manufactures." By building up manufactures on a large scale, to replace to a great extent the old household industries, Hamilton saw that he could make two strokes at once. He could not only bring into being great numbers of wealthy men with liquid property instead of land, but, by means of a favorable tariff, he could make them directly dependent upon government; and he believed that they would thus become even stauncher supporters perhaps than the bondholders. Moreover, there was the possibility that bondholders might be paid off in time, a fear which is expressed by him in his earnest pleas for a "national debt" as a "national blessing." Another moneyed group, strongly supporting law and order, would have to be built up to take their places. The plan succeeded as he intended and has developed beyond his wildest dreams.

There is little evidence that Hamilton was stirred by the liberal movement of thought which was well under way even in his time. He matured young. By twenty-five he had acquired apparently most if not all of the general ideas he ever possessed. From then on he devoted himself with extraordinary ability to working them out in practice. His terms of thought were national wealth, power, law, order, stability. He concentrated on these, but rarely thought in terms of the improvement and happiness of the individual citizens of all ranks. He did not have the vision, which so possessed Jefferson, of a possible new order in which the common man might be happier, wiser, and better than he had been. Indeed, Jefferson himself feared that his dream might fade if America became, according to the standards of even that day, industrial, crowded, city-built, as was Europe.

Hamilton was a realist. As one reads volume after volume of his works, one feels an increasing admiration for the directness and force with which he hammers and moulds the glowing metal of the new nation to his own shape, but one also senses a hardness in the man, a lack of subtlety and of generous imagination. It may

be that without a vision men shall die. It is no less true that, without hard practical sense, they shall also die. Without Jefferson the new nation might have lost its soul. Without Hamilton it would assuredly have been killed in body. The Americans had never been able to govern themselves in larger units than parishes or towns or, at the most, individual colonies. In every single instance in which they had attempted concerted action, the meanness, the jealousy, the parsimoniousness of their narrowly provincial minds had wrecked the attempt. In the condition of the Congress there was every indication that such would again be the case and that the new United States would once more dissolve into thirteen feeble, independent states, quarreling among themselves and helpless before a foreign foe. I think it not too much to say that such would have unquestionably been the case had it not been for Hamilton. His one idea was to build a strong Ship of State and see to it that it was well defended with the most powerful guns he could place aboard. Jefferson was thinking in terms of the welfare of the crew. We needed both men then. We need the elements of thought which each yet contributes to American

life to-day, but in order to have a unified national consciousness, a national soul with a single purpose, we have got to compose their apparently conflicting philosophies into a more harmonious whole than the toil of subduing a continent, the clashes of class interests, and the lack of sustained thought, have yet allowed us to consummate.

CHRONOLOGY

1757	Born in Nevis, W. I., January 11.
1772	Arrived in New York by way of Boston.
1774	Made his first public speech, July 6.
	Wrote *A Full Vindication.*
1775	Wrote *The Farmer Refuted.*
1776	In command of a New York artillery company.
	Becomes aide-de-camp to Washington.
1780	Married Elizabeth Schuyler, December 14.
1781	Resigned from Washington's staff.
1782	Member of Congress.
1783	Retired to practise law in New York.
1786	Member of the Annapolis Convention.
1787	Member of the New York legislature.
	Member of the Federal Constitutional Convention.
	Wrote his papers in the *Federalist.*
1789	Secretary of the Treasury.
	Report on the Public Credit.
1791	Report on Manufactures.
1795	Resigned from the Cabinet.
	Wrote papers signed "Camillus."
1804	Killed in duel with Aaron Burr, July 11.

CONTENTS

	PAGE
INTRODUCTION	v
CHRONOLOGY	xix
ON GOVERNMENT	1
THE PEOPLE	29
THE FEDERAL GOVERNMENT	45
THE STATE GOVERNMENTS	69
THE PRESIDENT	85
THE LEGISLATURE	107
THE JUDICIARY	125
AGRICULTURE, COMMERCE, AND MANUFACTURES	137
THE NATIONAL DEBT	145
THE TARIFF	153
THE BANK	163
MISCELLANEOUS	167

ON GOVERNMENT

NOTE

The selections are made from *The Works of Alexander Hamilton*, edited by the late Henry Cabot Lodge, and published by G. P. Putnam's Sons, 1885. The volume and page references at the end of each extract refer to that edition.

ON GOVERNMENT

Objects of Government

There are two objects in forming systems of government — safety for the people, and energy in the administration. When these objects are united, the certain tendency of the system will be to the public welfare. If the latter object be neglected, the people's security will be as certainly sacrificed as by disregarding the former. Good constitutions are formed upon a comparison of the liberty of the individual with the strength of government. If the tone of either be too high, the other will be weakened too much. It is the happiest possible mode of conciliating these objects, to institute one branch peculiarly endowed with sensibility, another with knowledge and firmness. Through the opposition and mutual control of these bodies, the government will reach, in its operations, the perfect balance between liberty and power. — *Speech on the Senate of the United States*, June 25, 1788. Vol. I, p. 459.

A good government implies two things: first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained. Some governments are deficient in both these qualities; most governments are deficient in the first. I scruple not to assert, that in American governments too little attention has been paid to the last. The federal constitution avoids this error; and what merits particular notice, it provides for the last in a mode which increases the security of the first. — *The Federalist.* Vol. IX, p. 388.

The True Principle of Government

The true principle of government is this — make the system complete in its structure; give a perfect proportion and balance to its parts, and the powers you give it will never affect your security. The question, then, of the division of powers between the General and State governments, is a question of convenience. It becomes a prudential inquiry, what powers are proper to be reserved to the latter, and this immediately involves another inquiry into the proper objects of the two governments. This is the criterion by which

we shall determine the just distribution of powers.

The great leading objects of the Federal Government, in which revenue is concerned, are to maintain domestic peace, and provide for the common defence. In these are comprehended the regulation of commerce — that is, the whole system of foreign intercourse, the support of armies and navies, and of the civil administration. It is useless to go into detail. Every one knows that the objects of the General Government are numerous, extensive, and important. Every one must acknowledge the necessity of giving powers, in all respects, and in every degree, equal to these objects. This principle assented to, let us inquire what are the objects of the State governments. Have they to provide against foreign invasion? Have they to maintain fleets and armies? Have they any concern in the regulation of commerce, the procuring alliances, or forming treaties of peace? No. Their objects are merely civil and domestic, to support the legislative establishment, and to provide for the administration of the laws. — *Speech on the Senate of the United States*, June 27, 1788. Vol. I, pp. 470–471.

Justice the End of Government

Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted that if the State of Rhode Island was separated from the Confederacy and left to itself, the insecurity of rights under the popular form of government within such narrow limits would be displayed by such reiterated oppression of factious majorities that some power altogether independent of the people would

soon be called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter, or, in other words, a will independent of the society itself. It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practical sphere, the more duly capable it will be of self-government. And happily for the *republican cause*, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the *federal principle*. — *The Federalist*. Vol. IX, pp. 326–327.

Inherent Strength of Good Government

I will venture to assert that no combination of designing men under heaven will be capable

of making a government unpopular which is in its principles a wise and good one, and vigorous in its operations. — *Speech on the Constitution*, June 21, 1788. Vol. I, p. 437.

The True Principle of a Republic

After all, we must submit to this idea, that the true principle of a republic is that the people should choose whom they please to govern them. Representation is imperfect in proportion as the current of popular favor is checked. This great source of free government, popular election, should be perfectly pure, and the most unbounded liberty allowed. Where this principle is adhered to; where, in the organization of the government, the legislative, executive, and judicial branches are rendered distinct; where, again, the legislative is divided into separate houses, and the operations of each are controlled by various checks and balances, and above all by the vigilance and weight of the State governments, to talk of tyranny and the subversion of our liberties, is to speak the language of enthusiasm. This balance between the National and State governments ought to be dwelt on with peculiar attention, as it is of the utmost importance. It forms a double

security to the people. If one encroaches on their rights they will find a powerful protection in the other. Indeed, they will both be prevented from overpassing their constitutional limits by a certain rivalship, which will ever subsist between them. I am persuaded that firm union is as necessary to perpetuate our liberties as it is to make us respectable; and experience will probably prove that the National Government will be as natural a guardian of our freedom as the State Legislatures themselves. — *Speech on the Compromises of the Constitution*, June 21, 1788. Vol. I, pp. 436–437.

Civil Liberty

Natural liberty is a gift of the beneficent Creator to the whole human race, and . . . civil liberty is founded in that, and cannot be wrested from any people without the most manifest violation of justice. *Civil liberty is only natural liberty, modified and secured by the sanctions of civil society.* It is not a thing, in its own nature, precarious and dependent on human will and caprice, but it is conformable to the constitution of man, as well as necessary to the *well-being* of society. — *The Farmer Refuted*, 1775. Vol. I, p. 83.

Arbitrary Government

You are mistaken when you confine arbitrary government to a monarchy. It is not the supreme power being placed in one, instead of many, that discriminates an arbitrary from a free government. When any people are ruled by laws, in framing which they have no part, that are to bind them, to all intents and purposes, without, in the same manner, binding the legislators themselves, they are, in the strictest sense, slaves; and the government, with respect to them, is despotic. Great Britain is itself a free country, but it is only so because its inhabitants have a share in the legislature. — *The Farmer Refuted*, 1775. Vol. I, p. 77.

Freedom and Slavery

The only distinction between freedom and slavery consists in this: In the former state a man is governed by the laws to which he has given his consent, either in person or by his representative; in the latter, he is governed by the will of another. In the one case, his life and property are his own; in the other they depend upon the pleasure of his master. It is easy to discern which of these two states is

preferable. No man in his senses can hesitate in choosing to be free, rather than a slave.

That Americans are entitled to freedom is incontestable on every rational principle. All men have one common original: they participate in one common nature, and consequently they have one common right. No reason can be assigned why one man should exercise any power or preeminence over his fellow-creatures more than another; unless they have voluntarily vested him with it. Since, then, Americans have not, by any act of theirs, empowered the British Parliament to make laws for them, it follows they can have no just authority to do it. — *A Full Vindication*, 1774. Vol. I, pp. 5–6.

Factions

Much has been said about factions. As far as my observation has extended, factions in Congress have arisen from attachment to State prejudices. We are attempting by this Constitution to abolish factions, and to unite all parties for the general welfare. That a man should have the power, in private life, of recalling his agent, is proper; because, in the business in which he is engaged, he has no other object

but to gain the approbation of his principal. Is this the case with the Senator? Is he simply the agent of the State? No. He is an agent for the Union, and he is bound to perform services necessary to the good of the whole, though his State should condemn them. Sir, in contending for a rotation, the gentlemen carry their zeal beyond all reasonable bounds. — *Speech on the Senate of the United States*, June 25, 1788. Vol. I, pp. 464–465.

Responsibility in Government

Why has government been instituted at all? Because the pasions of men will not conform to the dictates of reason and justice, without constraint. Has it been found that bodies of men act with more rectitude or greater disinterestedness than individuals? The contrary of this has been inferred by all accurate observers of the conduct of mankind; and the inference is founded upon obvious reasons. Regard to reputation has a less active influence, when the infamy of a bad action is to be divided among a number, than when it is to fall singly upon one. A spirit of faction, which is apt to mingle its poison in the deliberations of all bodies of men, will often hurry the persons of whom they are

composed into improprieties and excesses, for which they would blush in a private capacity. — *The Federalist.* Vol. IX, p. 89.

Obedience to Law

If it were to be asked, What is the most sacred duty, and the greatest source of security in a republic? the answer would be, An inviolable respect for the Constitution and laws — the first growing out of the last. It is by this, in a great degree, that the rich and the powerful are to be restrained from enterprises against the common liberty — operated upon by the influence of a general sentiment, by their interest in the principle, and by the obstacles which the habit it produces erects against innovation and encroachment. It is by this, in a still greater degree, that caballers, intriguers, and demagogues are prevented from climbing on the shoulders of faction to the tempting seats of usurpation and tyranny. . . .

Government is frequently and aptly classed under two descriptions — a government of *force*, and a government of *laws;* the first is the definition of despotism — the last, of liberty. But how can a government of laws exist when the laws are disrespected and disobeyed?

Government supposes control. It is that *power* by which individuals in society are kept from doing injury to each other, and are brought to cooperate to a common end. The instruments by which it must act are either the *authority* of the laws or *force*. If the first be destroyed, the last must be substituted; and when this becomes the ordinary instrument of government, there is an end to liberty!

Those, therefore, who preach doctrines, or set examples which undermine or subvert the authority of the laws, lead us from freedom to slavery; they incapacitate us for a *government* of *laws*, and consequently prepare the way for one of *force*, for mankind must have *government of one sort or another*. There are, indeed, great and urgent cases where the bonds of the Constitution are manifestly transgressed, or its constitutional authorities so exercised as to produce unequivocal oppression on the community, and to render resistance justifiable. But such cases can give no color to the resistance by a comparatively inconsiderable part of a community, of constitutional laws distinguished by no extraordinary features of rigor or oppression, and acquiesced in by the body of the community. — "*Tully*," 1794. Vol. VI, pp. 26–27.

Laws

The internal effects of a mutable policy are still more calamitous. It poisons the blessing of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed? — *The Federalist.* Vol. IX, p. 390.

The Sanctions of Law

Government implies the power of making laws. It is essential to the idea of a law, that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience. If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws will, in fact, amount to nothing more than advice or recommendation. This penalty, whatever it may be, can only be

inflicted in two ways: by the agency of the courts and ministers of justice, or by military force; by the *coercion* of the magistracy, or by the *coercion* of arms. The first kind can evidently apply only to men; the last kind must of necessity, be employed against bodies politic, or communities, or States. It is evident that there is no process of a court by which the observance of the laws can, in the last resort, be enforced. Sentences may be denounced against them for violations of their duty; but these sentences can only be carried into execution by the sword. In an association where the general authority is confined to the collective bodies of the communities that compose it, every breach of the laws must involve a state of war; and military execution must become the only instrument of civil obedience. Such a state of things can certainly not deserve the name of government, nor would any prudent man choose to commit his happiness to it. — *The Federalist.* Vol. IX, p. 88.

Revenue Laws and Public Morality

The Secretary . . . begs leave to remark, that there appear to him two leading principles, one or the other of which must necessarily char-

acterize whatever plan [for revenue] may be adopted. One of them makes the *security* of the *revenue* to depend chiefly on the *vigilance* of the *public officers;* the other rests it essentially on the *integrity* of the *individuals* interested to avoid the payment of it.

The first is the basis of the plan submitted by the Secretary; the last has pervaded most if not all the systems which have hitherto been practised upon in different parts of the United States. The oaths of the dealers have been almost the only security for their compliance with the laws.

It cannot be too much lamented that these have been found an inadequate dependence. But experience has, on every trial, manifested them to be such. Taxes or duties relying for their collection on that security wholly, or almost wholly, are uniformly unproductive. And they cannot fail to be unequal, as long as men continue to be discriminated by unequal portions of rectitude. The most conscientious will pay most; the least conscientious least.

The impulse of interest, always sufficiently strong, acts with peculiar force in matters of this kind, in respect to which a loose mode of thinking is too apt to prevail. The want of a

habit of appreciating properly the nature of the public rights renders that impulse in such cases too frequently an overmatch for the sense of obligation, and the evasions which are perceived, or suspected to be practised by some, prompt others to imitation, by the powerful motive of self-defence. They infer that they must follow the example, or be unable to maintain an advantageous competition in the business — an alternative very perplexing to all but men of exact probity, who are thereby rendered, in a great measure, victims to a principle of legislation which does not sufficiently accord with the bias of human nature. And thus the laws become sources of discouragement and loss to honest industry, and of profit and advantage to perjury and fraud. It is a truth that cannot be kept too constantly in view, that all revenue laws which are so constructed as to involve a lax and defective execution, are instruments of oppression to the most meritorious part of those on whom they immediately operate, and of additional burthens on the community at large. — *Report on Public Credit*, 1790. Vol. II, pp. 156–157.

Moral Duty of Governments

The principle which shall be assumed here is this, that the established *rules of morality and justice are applicable to nations as well as to individuals;* that the *former* as well as the *latter* are bound *to keep their promises; to fulfill their engagements to respect the rights of property* which others have acquired under contracts with them. Without this there is an end of all distinct ideas of right or wrong, justice or injustice, in relation to society or government. There can be no such thing as rights, no such thing as property or liberty; all the boasted advantages of a constitution of government vanish into air. Every thing must float on the variable and vague opinions of the governing party, of whomsoever composed.

To this it may be answered that the doctrine, as a general one, is true, but that there are certain great cases which operate as exceptions to the rule, and in which the public good may demand and justify a departure from it.

It shall not be denied that there are such cases; but as the admission of them is one of the most common as well as the most fruitful sources of error and abuse, it is of the greatest

importance that just ideas should be formed of their true nature, foundation, and extent. To minds which are either depraved or feeble, or under the influence of any particular passion or prejudice, it is enough that cases are only attended with some *extraordinary circumstances* to induce their being considered as among the exceptions. *Convenience* is with them a substitute for *necessity*, and some temporary, partial advantage is an equivalent for a fundamental and permanent interest of society. We have too often seen in the United States examples of this species of levity. The treaties of the United States, the sacred rights of private property, have been too frequently sported with, from a too great facility in admitting exceptions to the maxims of public faith and the general rules of property. A desire to escape from this evil was a principal cause of the union which took place among good men to establish the national government; and it behoved its friends to have been particularly cautious how they set an example of equal relaxation in the practice of that very government.

The characteristics of the only admissible exceptions to the principle that has been assumed, are 1st. *Necessity*. 2d. There being some

intrinsic and inherent quality in the thing which is to constitute the exception, contrary to the social order and to the permanent good of society.

Necessity is admitted in all moral reasoning as an exception to general rules. It is of two kinds, as applied to nations — where there is want of ability to perform a duty, and then it is involuntary; and where the general rule cannot be observed without some *manifest* and *great* national calamity.

If from extraordinary circumstances a nation is disabled from performing its stipulations, or its duty in any other respect, it is then excusable on the score of inability. But the inability must be a real, not a pretended, one; one that has been experimentally ascertained, or that can be demonstrated to the satisfaction of all honest and discerning men. And the deviation ought to be as small as possible; all that is practicable ought to be done.

A nation is alike excusable in certain extraordinary cases for not observing a right in performing a duty, if the one or the other would involve a *manifest* and *great* national calamity. But here, also, an extreme case is intended; the calamity to be avoided must not only be evident and considerable — it must be such an

one as is like to prove fatal to the nation — as threatens its existence, or at least its permanent welfare.

War, for instance, is almost always a national calamity, of a serious kind; but it ought often to be encountered in protection *even* of a part of the community injured or annoyed; or in performance of the condition of a defensive alliance with some other nation.

But if such special circumstances exist in either case, that the going to war would eminently endanger the existence or permanent welfare of the nation, it may excusably be forborne.

Of the second class of exceptions, the case of certain feudal rights, which once oppressed all Europe, and still oppress too great a part of it, may serve as an example; rights which made absolute slaves of a part of the community, and rendered the condition of the greatest proportion of the remainder not much more eligible.

These rights, though involving that of property, being contrary to the social order, and to the permanent welfare of society, were justifiably abolished in the instances, in which abolitions have taken place, and may be abolished in all the remaining vestiges.

Wherever, indeed, a right of property is infringed for the general good, if the nature of the case admits of compensation, it ought to be made; but if compensation be impracticable, that impracticality ought not to be an obstacle to a clearly essential reform. — *Vindication of the Funding System*, 1791 [?]. Vol. II, pp. 295–298.

International Morality

It may be affirmed as a general principle, that the predominant motive of good offices from one nation to another, is the interest or advantage of the nation which performs them.

Indeed, the rule of morality in this respect is not precisely the same between nations as between individuals. The duty of making its own welfare the guide of its actions, is much stronger upon the former than upon the latter; in proportion to the greater magnitude and importance of national compared with individual happiness, and to the greater permanency of the effects of national than of individual conduct. Existing millions, and for the most part future generations, are concerned in the present measures of a government; while the consequences of the private actions of an individual

ordinarily terminate with himself, or are circumscribed within a narrow compass.

Whence it follows that an individual may, on numerous occasions, meritoriously indulge the emotions of generosity and benevolence, not only without an eye to, but even at the expense of, his own interest. But a government can rarely, if at all, be justifiable in pursuing a similar course; and, if it does so, ought to confine itself within much stricter bounds. Good offices which are indifferent to the interest of a nation performing them, or which are compensated by the existence or expectation of some reasonable equivalent, or which produce an essential good to the nation to which they are rendered, without real detriment to the affairs of the benefactors, prescribe perhaps the limits of national generosity or benevolence.

It is not here meant to recommend a policy absolutely selfish or interested in nations; but to show, that a policy regulated by their own interest, as far as justice and good faith permit, is, and ought to be, their prevailing one; and that either to ascribe to them a different principle of action, or to deduce, from the supposition of it, arguments for a self-denying and self-sacrificing gratitude on the part of a nation

which may have received from another good offices, is to misrepresent or misconceive what usually are, and ought to be, the springs of national conduct. — "*Pacificus*," 1793. Vol. IV, pp. 166–167.

Unitary and Federal States

In a single state where the sovereign power is exercised by delegation, whether it be a limited monarchy or a republic, the danger most commonly is, that the sovereign will become too powerful for his constituents. In federal governments, where different states are represented in a general council, the danger is on the other side — that the members will be an overmatch for the common head; or, in other words, that it will not have sufficient influence and authority to secure the obedience of the several parts of the confederacy.

In a single state the sovereign has the whole legislative power as well as the command of the national forces — of course an immediate control over the persons and property of the subjects; every other power is subordinate and dependent. If he undertakes to subvert the constitution, it can only be preserved by a general insurrection of the people. The magis-

trates of the provinces, counties, or towns into which the State is divided, having only an executive and police jurisdiction, can take no decisive measures for counteracting the first indications of tyranny; but must content themselves with the ineffectual weapon of petition and remonstrance. They cannot raise money, levy troops, nor form alliances. The leaders of the people must wait till their discontents have ripened into a general revolt, to put them in a situation to confer the powers necessary for their defence. It will always be difficult for this to take place; because the sovereign, possessing the appearance and forms of legal authority, having the forces and revenues of the state at his command, and a large party among the people besides, — which with those advantages he can hardly fail to acquire — he will too often be able to baffle the first motions of the discontented, and prevent that union and concert essential to the success of their opposition.

The security, therefore, of the public liberty must consist in such a distribution of the sovereign power, as will make it morally impossible for one part to gain an ascendency over the other, or for the whole to unite in a scheme

of usurpation. — *The Continentalist*, July 19, 1781. Vol. I, pp. 236–237.

Constitutions

Constitutions should consist only of general provisions; the reason is that they must necessarily be permanent, and that they cannot calculate for the possible change of things. — *Speech on the Senate of the United States*, June 28, 1788. Vol. I, p. 486.

Republicanism

I said that I was affectionately attached to the republican theory. This is the real language of my heart, which I open to you in the sincerity of friendship; and I add that I have strong hopes of the success of that theory; but, in candor, I ought also to add that I am far from being without doubts. I consider its success as yet a problem. It is yet to be determined by experience whether it be consistent with that stability and order in government which are essential to public strength and private security and happiness.

On the whole, the only enemy which Republicanism has to fear in this country is in the spirit of faction and anarchy. If this will not

permit the ends of government to be attained under it, if it engenders disorders in the community, all regular and orderly minds will wish for a change, and the demagogues who have produced the disorder will make it for their own aggrandizement. This is the old story. If I were disposed to promote monarchy and overthrow State governments, I would mount the hobby-horse of popularity; I would cry out "usurpation," "danger to liberty," etc., etc.; I would endeavor to prostrate the national government, raise a ferment, and then "ride in the whirlwind, and direct the storm." That there are men acting with Jefferson and Madison who have this view, I verily believe; I could lay my finger on some of them. That Madison does not mean it, I also verily believe; and I rather believe the same of Jefferson, but I read him upon the whole thus: "A man of profound ambition and violent passions." — *Letter to Colonel Edward Carrington*, 1792. Vol. VIII, p. 264.

THE PEOPLE

THE PEOPLE

Their Passions

In all general questions which become the subjects of discussion, there are always some truths mixed with falsehoods. I confess, there is danger where men are capable of holding two offices. Take mankind in general, they are vicious, their passions may be operated upon. We have been taught to reprobate the danger of influence in the British government, without duly reflecting how far it was necessary to support a good government. We have taken up many ideas upon trust, and at last, pleased with our own opinions, establish them as undoubted truths. Hume's opinion of the British constitution confirms the remark, that there is always a body of firm patriots, who often shake a corrupt administration. Take mankind as they are, and what are they governed by? Their passions. There may be in every government a few choice spirits, who may act from more worthy motives. One great error is that we suppose mankind more honest than they

are. Our prevailing passions are ambition and interest; and it will ever be the duty of a wise government to avail itself of the passions, in order to make them subservient to the public good; for these ever induce us to action. Perhaps a few men in a State may, from patriotic motives, or to display their talents, or to reap the advantage of public applause, step forward; but, if we adopt the clause [forbidding representatives to hold other office], we destroy the motive. I am, therefore, against all exclusions and refinements, except only in this case: that, when a member takes his seat, he should vacate every other office. — *Speech in the Federal Convention*, June 22, 1787. Vol. I, p. 389.

Their Errors

There are some who would be inclined to regard the servile pliancy of the Executive to a prevailing current, either in the community or in the legislature, as its best recommendation. But such men entertain very crude notions, as well of the purposes for which government was instituted, as of the true means by which the public happiness may be promoted. The republican principle demands that the deliberate sense of the community should govern the

conduct of those to whom they intrust the management of their affairs; but it does not require an unqualified complaisance to every sudden breeze of passion, or to every transient impulse which the people may receive from the arts of men, who flatter their prejudices to betray their interests. It is a just observation, that the people commonly *intend* the *public good*. This often applies to their very errors. But their good sense would despise the adulator who should pretend that they always *reason right* about the *means* of promoting it. They know from experience that they sometimes err; and the wonder is that they so seldom err as they do, beset, as they continually are, by the wiles of parasites and sycophants, by the snares of the ambitious, the avaricious, the desperate, by the artifices of men who possess their confidence more than they deserve it, and of those who seek to possess rather than to deserve it. When occasions present themselves, in which the interests of the people are at variance with their inclinations, it is the duty of the persons whom they have appointed to be the guardians of those interests, to withstand the temporary delusion, in order to give them time and opportunity for more cool and

sedate reflection. — *The Federalist.* Vol. IX, pp. 446–447.

Their Turbulence

All communities divide themselves into the few and the many. The first are the rich and well-born, the other the mass of the people. The voice of the people has been said to be the voice of God; and, however generally this maxim has been quoted and believed, it is not true to fact. The people are turbulent and changing; they seldom judge or determine right. Give, therefore, to the first class a distinct, permanent share in the government. They will check the unsteadiness of the second, and, as they cannot receive any advantage by a change, they therefore will ever maintain good government. Can a democratic Assembly, who annually revolve in the mass of the people, be supposed steadily to pursue the public good? Nothing but a permanent body can check the imprudence of democracy. Their turbulent and uncontrolling disposition requires checks. The Senate of New York, although chosen for four years, we have found to be inefficient. Will, on the Virginia plan, a continuance of seven years do it? It is admitted, that you

cannot have a good Executive upon a democratic plan. See the excellency of the British Executive. He is placed above temptation. He can have no distinct interests from the public welfare. Nothing short of such an executive can be efficient. The weak side of a republican government is the danger of foreign influence. This is unavoidable, unless it is so constructed as to bring forward its first characters in its support. — *Speech in the Federal Convention*, June 18, 1787. Vol. I, pp. 381–383.

The Governing and the Governed

It has been often asserted, that the interests of the general and of State Legislatures are precisely the same. This cannot be true. The views of the governed are often materially different from those who govern. The Science of policy is the knowledge of human nature. A State government will ever be the rival power of the general government. It is therefore highly improper that the State Legislatures should be the paymasters of the members of the national government. All political bodies love power, and it will often be improperly attained. — *Speech in the Federal Convention*, as reported by Yates, June 22, 1787. Vol. I, p. 388.

The Fundamental Social Distinction

Hamilton acknowledged himself not to think favorably of republican government; but addressed his remarks to those who did think favorably of it, in order to prevail on them to tone their government as high as possible. He professed himself to be as zealous an advocate for liberty as any man whatever; and trusted he should be as willing a martyr to it, though he differed as to the form in which it was most eligible. He concurred, also, in the general observations of Mr. Madison on the subject, which might be supported by others if it were necessary. It was certainly true, that nothing like an equality of property existed; that an inequality would exist as long as liberty existed, and that it would unavoidably result from that very liberty itself. This inequality of property constituted the great and fundamental distinction in society. When the tribunitial power had levelled the boundary between the patricians and the plebeians, what followed? The distinction between rich and poor was substituted. — *Speeches in the Federal Convention*, as reported in the *Madison Papers*, June 22, 1787. Vol. I, p. 390.

The Danger of Democracy

We are now forming a republican government. Real liberty is never found in despotism or the extremes of democracy, but in moderate governments. Those who mean to form a solid republican government ought to proceed to the confines of another government. As long as offices are open to all men, and no constitutional rank is established, it is pure republicanism. But if we *incline too much to democracy, we shall soon shoot into a monarchy.* — *Speeches in the Federal Convention*, as reported by Yates, June 26, 1787. Vol. I, p. 391.

It has been observed that a pure democracy, if it were practicable, would be the most perfect government. Experience has proved, that no position in politics is more false than this. The ancient democracies, in which the people themselves deliberated, never possessed one feature of good government. Their very character was tyranny; their figure deformity. When they assembled, the field of debate presented an ungovernable mob, not only incapable of deliberation, but prepared for every enormity. In these assemblies the enemies of the

people brought forward their plans of ambition systematically. They were opposed by their enemies of another party; and it became a matter of contingency, whether the people subjected themselves to be led blindly by one tyrant or by another.

It was remarked yesterday that a numerous representation was necessary to obtain the confidence of the people. This is not generally true. The confidence of the people will easily be gained by a good administration. This is the true touchstone. — *Speech on the Compromises of the Constitution*, June 21, 1788. Vol. I, p. 431.

The Influence of Riches

While property continues to be pretty equally divided, and a considerable share of information pervades the community, the tendency of the people's suffrages will be to elevate merit even from obscurity. As riches increase and accumulate in few hands, as luxury prevails in society, virtue will be in a greater degree considered as only a graceful appendage of wealth, and the tendency of things will be to depart from the republican standard. This is the real disposition of human nature; it is what neither

the honorable member nor myself can correct. It is a common misfortune that awaits our State constitution, as well as all others. — *Speech on the Compromises of the Constitution*, June 21, 1788. Vol. I, p. 435.

Social Classes

It is a harsh doctrine, that men grow wicked in proportion as they improve and enlighten their minds. Experience has by no means justified us in the supposition that there is more virtue in one class of men than in another. Look through the rich and the poor of the community; the learned and the ignorant. Where does virtue predominate? The difference indeed consists, not in the quantity, but kind of vices, which are incident to the various classes; and here the advantage of character belongs to the wealthy. Their vices are probably more favorable to the prosperity of the State than those of the indigent, and partake less of moral depravity. — *Speeches on the Compromises of the Constitution*, June 21, 1788. Vol. I, p. 436.

Necessity of Checking the People

It is an unquestionable truth, that the body of the people in every country desire sincerely

its prosperity. But it is equally unquestionable that they do not possess the discernment and stability necessary for systematic government. To deny that they are frequently led into the grossest errors, by misinformation and passion, would be a flattery which their own good sense must despise. That branch of administration, especially, which involves our political relation with foreign states, a community will ever be incompetent to. These truths are not often held up in public assemblies; but they cannot be unknown to any who hear me. From these principles, it follows that there ought to be two distinct bodies in our government: one which shall be immediately constituted by and peculiarly represent the people and possess all the popular features; another formed upon the principles and for the purposes before explained. Such considerations as these induce the convention who formed your State constitution to institute a Senate upon the present plan. The history of ancient and modern republics had taught them that many of the evils which those republics suffered arose from the want of a certain balance, and that mutual control indispensable to a wise administration. They were convinced that popular assemblies are fre-

quently misguided by ignorance, by sudden impulses, and the intrigues of ambitious men; and that some firm barrier against these operations was necessary. They, therefore, instituted your Senate; and the benefits we have experienced have fully justified their conceptions. — *Speech on the Senate of the United States*, June 24, 1788, as given in *Elliot's Debates*. Vol. I, pp. 450–451.

Representation of Classes

The subject [number and nature of representatives] might be placed in several other lights that would all lead to the same result; and in particular it might be asked, What greater affinity or relation of interest can be conceived between the carpenter and blacksmith, and the linen manufacturer or stocking weaver, than between the merchant and either of them? It is notorious that there are often as great rivalships between different branches of the mechanic or manufacturing arts as there are between any of the departments of labor and industry; so that, unless the representative body were to be far more numerous than would be consistent with any idea of regularity or wisdom in its deliberations, it is impossible that what seems

to be the spirit of the objection we have been considering should ever be realized in practice.—*The Federalist.* Vol. IX, p. 208.

Security of the Rights of Groups

In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

It is of great importance in a republic not only to guard against the oppression of its rulers, but to guard one part of society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against

this evil: the one by creating a will in the community independent of the majority — that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major, as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend

on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States, oppressive combinations of a majority will be facilitated; the best security, under the republican forms, for the rights of every class of citizens, will be diminished; and consequently the stability and independence of some member of the government, the only other security, must be proportionally increased. — *The Federalist.* Vol. IX, pp. 325–326.

THE FEDERAL GOVERNMENT

THE FEDERAL GOVERNMENT

Sovereignty and Powers

This *general principle* is *inherent* in the very *definition* of government, and *essential* to every step of the progress to be made by that of the United States, namely: That every power vested in a government is in its nature *sovereign*, and includes, by *force* of the *term*, a right to employ all the *means* requisite and fairly applicable to the attainment of the *ends* of such power, and which are not precluded by restrictions and exceptions specified in the Constitution, or not immoral, or not contrary to the *essential ends* of political society.

This principle, in its application to government in general, would be admitted as an axiom; and it will be incumbent upon those who may incline to deny it, to prove a distinction, and to show that a rule which, in the general system of things, is essential to the preservation of the social order, is inapplicable to the United States.

The circumstance that the powers of sover-

eignty are in this country divided between the National and State governments, does not afford the distinction required. It does not follow from this, that each of the portion of *powers* delegated to the one or the other, is not sovereign with *regard to its proper objects*. It will only *follow* from it, that each has sovereign power as to *certain things*, and not as to *other things*. To deny that the Government of the United States has sovereign power, as to its declared purposes and trusts, because its power does not extend to all cases, would be equally to deny that the State governments have sovereign power in any case, because their power does not extend to every case. The tenth section of the first article of the Constitution exhibits a long list of very important things which they may not do. And thus the United States would furnish the singular spectacle of a *political society* without *sovereignty*, or of a *people governed*, without *government*.

If it would be necessary to bring proof to a proposition so clear, as that which affirms that the powers of the Federal Government, as to *its objects*, were sovereign, there is a clause of its Constitution which would be decisive. It is that which declares that the Constitution, and

the laws of the United States made in pursuance of it, and all treaties made, or which shall be made, under their authority, shall be the *supreme law of the land.* The power which can create the *supreme law of the land* in *any case*, is doubtless *sovereign* as to such case.

This general and indisputable principle puts at once an end to the *abstract* question, whether the United States have power to erect a *corporation;* that is to say, to give a *legal* or *artificial capacity* to one or more persons, distinct from the *natural.* But it is unquestionably incident to *sovereign power* to erect corporations, and consequently to *that* of the United States, in *relation* to the *objects* intrusted to the management of the government. The difference is this: where the authority of the government is general, it can create corporations in *all cases;* where it is confined to certain branches of legislation, it can create corporations *only* in those cases. — *Letter to Robert Morris*, 1780. Vol. III, pp. 181–182.

Powers of Government

After all our doubts, our suspicions, and speculations on the subject of government, we must return at last to the important truth, that when

we have formed a Constitution upon free principles, when we have given a proper balance to the different branches of administration, and fixed representation upon pure and equal principles, we may with safety furnish it with all the powers necessary to answer in the most ample manner the purposes of government. The great desiderata are a free representation and mutual checks. When these are obtained, all our apprehensions of the extent of powers are unjust and imaginary. — *Speech on the Senate of the United States*, June 27, 1788. Vol. I, pp. 466–467.

Where ought the great resources to be lodged? Every rational man will give an immediate answer. To what extent shall these resources be possessed? Reason says, as far as possible exigencies can require; that is, without limitation. A constitution cannot set bounds to a nation's wants; it ought not therefore to set bounds to its resources. Unexpected visitations, long and ruinous wars, may demand all the possible abilities of the country. Shall not our government have power to call these abilities into action? The contingencies of society are not reducible to calculations; they cannot

be fixed or bounded, even in imagination. Will you limit the means of your defence when you cannot ascertain the force or extent of the invasion? — *Speech on the Senate of the United States*, June 27, 1788. Vol. I, pp. 471–472.

The authorities essential to the common defence are these: to raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation, *because it is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them.* The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the case is committed. This power ought to be co-extensive with all the possible combinations of such circumstances; and ought to be under the direction of the same councils which are appointed to preside over the common defence.

This is one of those truths which, to a correct and unprejudiced mind, carries its own evidence along with it; and may be obscured, but cannot

be made plainer by argument or reasoning. It rests upon axioms as simple as they are universal; the *means* ought to be proportioned to the *end;* the persons, from whose agency the attainment of any *end* is expected, ought to possess the *means* by which it is to be attained.

Whether there ought to be a federal government intrusted with the care of the common defence, is a question in the first instance, open for discussion; but the moment it is decided in the affirmative, it will follow, that that government ought to be clothed with all the powers requisite to complete execution of its trust. And unless it can be shown that the circumstances which may affect the public safety are reducible within certain determinate limits; unless the contrary of this position can be fairly and rationally disputed, it must be admitted, as a necessary consequence, that there can be no limitation of that authority which is to provide for the defence and protection of the community, in any matter essential to its efficacy — that is, in any matter essential to the *formation*, *direction*, or *support* of the *national forces*. — *The Federalist.* Vol. IX, pp. 136–137.

I will, in this place, hazard an observation, which will not be the less just because to some it may appear new; which is, that the more the operations of the national authority are intermingled in the ordinary exercise of government, the more the citizens are accustomed to meet with it in the common occurrences of their political life, the more it is familiarized to their sight and to their feelings, the further it enters into those objects which touch the most sensible chords and put in motion the most active springs of the human heart, the greater will be the probability that it will conciliate the respect and attachment of the community. Man is very much a creature of habit. A thing that rarely strikes his senses will generally have but little influence upon his mind. A government continually at a distance and out of sight can hardly be expected to interest the sensations of the people. The inference is, that the authority of the Union, and the affections of the citizens towards it, will be strengthened, rather than weakened, by its extension to what are called matters of internal concern; and will have less occasion to recur to force, in proportion to the familiarity and comprehensiveness of its agency. The more it circulates through

those channels and currents in which the passions of mankind naturally flow, the less will it require the aid of the violent and perilous expedients of compulsion. — *The Federalist.* Vol. IX, p. 161.

A government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care, and to the complete execution of the trusts for which it is responsible, free from every other control but a regard to the public good and to the sense of the people.

As the duties of superintending the national defence and of securing the public peace against foreign or domestic violence involve a provision for casualties and dangers to which no possible limits can be assigned, the power of making that provision ought to know no other bounds than the exigencies of the nation and the resources of the community.

As revenue is the essential engine by which the means of answering the national exigencies must be procured, the power of procuring that article in its full extent must necessarily be comprehended in that of providing for those exigencies.

As theory and practice conspire to prove that

the power of procuring revenue is unavailing when exercised over the States in their collective capacities, the federal government must of necessity be invested with an unqualified power of taxation in the ordinary modes. — *The Federalist.* Vol. IX, p. 182.

A Strong Central Government

To the care of the Federal Government are confided directly, those great, general interests on which all particular interests materially depend: our safety in respect to foreign nations; our tranquillity in respect to each other; the foreign and mutual commerce of the States; the establishment and regulation of the money of the country; the management of our national finances; indirectly, the security of liberty by the guaranty of a republican form of government to each State; the security of property by interdicting any State from emitting paper money or from passing laws impairing the obligation of contracts (from both of which causes the rights of property had experienced serious injury); the prosperity of agriculture and manufactures, as intimately connected with that of commerce, and as depending in a variety of ways upon the agency of the General Government.

In fine, it is the province of the General Government to manage the greatest number of those concerns in which the provident activity and exertion of *government* are of most importance to the people; and we have only to compare the state of our country antecedent to the establishment of the Federal Constitution, with what it has been since, to be convinced that the most operative causes of the public prosperity depend upon that Constitution. It is not meant, by what has been said, to insinuate that the State governments are not extremely useful in their proper spheres; but the object is to guard against the mischiefs of exaggerating their importance, in derogation from that of the general right. Every attempt to do this, is, remotely, a stab at the union of these States; a blow to our collective existence as one people — and to all the blessings which are interwoven with that sacred fraternity.

If it be true, as insinuated, that "our organization is too complicated — too expensive," let it be simplified; let this, however, be done in such a manner as not to mutilate, weaken, and eventually destroy, our present system, but to increase the energy and insure the duration of our National Government — *the rock of our*

political salvation. — "*Lucius Crassus*," 1802. Vol. VII, pp. 247–248.

Implied Powers

The foundation of the Constitution is laid on this ground: "That all powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States, or to the people." Whence it is meant to be inferred, that Congress can in no case exercise any power not included in those enumerated in the Constitution. And it is affirmed, that the power of erecting a corporation is not included in any of the enumerated powers.

The main proposition here laid down, in its true significance, is not to be questioned. It is nothing more than a consequence of this republican maxim, that all government is a delegation of power. But how much is delegated in each case is a question of fact, to be made out by fair reasoning and construction, upon the particular provisions of the Constitution, taking as guides the general principles and general ends of governments.

It is not denied that there are *implied*, as well as *express powers*, and that the *former* are as

effectually delegated as the *latter*. And for the sake of accuracy it shall be mentioned that there is another class of powers, which may be properly denominated *resulting powers*. It will not be doubted that if the United States should make a conquest of any of the territories of its neighbors, they would possess sovereign jurisdiction over the conquered territory. This would be rather a result from the whole mass of the powers of the government, and from the nature of political society, than a consequence of either of the powers specially enumerated.

But be this as it may, it furnishes a striking illustration of the general doctrine contended for; it shows an extensive case, in which a power of erecting corporations is either implied in, or would result from, some or all of the powers vested in the National Government. The jurisdiction acquired over such conquered country would certainly be competent to any species of legislation.

To return: — It is conceded that *implied powers* are to be considered as delegated equally with *express ones*. Then it follows, that as a power of erecting a corporation may as well be *implied* as any other thing, it may as well be employed as an *instrument* or *means* of carrying

into execution any of the specified powers, as any other *instrument* or *means* whatever. The only question must be in this, as in every other case, whether the means to be employed, or, in this instance, the corporation to be erected, has a lawful relation to any of the acknowledged objects or lawful ends of the government. Thus a corporation may not be erected by Congress for superintending the police of the city of Philadelphia, because they are not authorized to *regulate* the *police* of that city. But one may be erected in relation to the collection of taxes, or to the trade with foreign countries, or to the trade between the States, or with the Indian tribes; because it is the province of the Federal Government to *regulate* those objects, and because it is incident to a general *sovereign* or *legislative* power to *regulate* a thing, to employ all the means which relate to its regulation to the best and greatest advantage. — *Letter to Robert Morris*, 1780. Vol. III, pp. 183–185.

Through this mode of reasoning respecting the right of employing all the means requisite to the execution of the specified powers of the government, it is objected, that none but necessary and proper means are to be employed;

and the Secretary of State [Jefferson] maintains, that no means are to be considered *necessary* but those without which the grant of the power would be *nugatory*. Nay, so far does he go in his restrictive interpretation of the *word*, as even to make the case of *necessity* which shall warrant the constitutional exercise of the power to depend on *casual* and *temporary* circumstances; an idea which alone refutes the construction. The *expediency* of exercising a particular power, at a particular time, must, indeed, depend on circumstances; but the constitutional right of exercising it must be uniform and invariable, the same today as to-morrow. . . .

It is essential to the being of the national government, that so erroneous a conception of the meaning of the word *necessary* should be exploded. It is certain, that neither the grammatical nor popular sense of the term requires that construction. According to both, *necessary* often means no more than *needful*, *requisite*, *incidental*, *useful*, or *conducive to*. It is a common mode of expression to say, that it is *necessary* for a government or a person to do this or that thing, when nothing more is intended or understood, than that the interests of the government or person require, or will be pro-

moted by, the doing of this or that thing. The imagination can be at no loss for exemplifications of the use of the word in this sense. And it is the true one in which it is to be understood as used in the Constitution. The whole turn of the clause containing it indicates, that it was the intent of the Convention, by that clause, to give a liberal latitude to the exercise of the specified powers. The expressions have peculiar comprehensiveness. They are, "to make all *laws* necessary and proper for *carrying into execution* the *foregoing powers*, and *all other powers* vested by the Constitution in the *Government* of the United States, or in any *department* or *officer* thereof."

To understand the word as the Secretary of State does, would be to depart from its obvious and popular sense, and to give it a restrictive operation, an idea never before entertained. It would be to give it the same force as if the word *absolutely* or *indispensably* had been prefixed to it. . . .

The degree in which a measure is necessary can never be a *test* of the legal right to adopt it; that must be a matter of opinion, and can only be a *test* of expediency. The *relation* between the *measure* and the *end;* between the *nature* of

the *means* employed toward the execution of a power, and the object of that power, must be the criterion of constitutionality, not the more or less of *necessity* or *utility*.

The practice of the government is against the rule of construction advocated by the Secretary of State. Of this, the act concerning lighthouses, beacons, buoys, and public piers is a decisive example. This, doubtless, must be referred to the powers of regulating trade, and is fairly relative to it. But it cannot be affirmed that the exercise of that power in this instance was strictly *necessary*, or that the power itself would be *nugatory*, without that of regulating establishments of this nature.

This restrictive interpretation of the word *necessary* is also contrary to this sound maxim of construction; namely, that the powers contained in a constitution of government, especially those which concern the general administration of the affairs of a country, its finances, trade, defence, etc., ought to be construed liberally in advancement of the public good. This rule does not depend on the particular form of a government, or on the particular demarcation of the boundaries of its powers, but on the nature and objects of government. . . .

An adherence to the letter of its powers would at once arrest the motions of government. — *Letter to Robert Morris*, 1780. Vol. III, pp. 186–191.

On the Division of Powers

The power of legislation is, in its own nature, the most comprehensive and potent of the three great subdivisions of sovereignty. It is the will of the government; it prescribes universally the rule of action, and the sanctions which are to enforce it. It creates and regulates the public force, and it commands the public purse. If deposited in an elective representative of the people, it has, in most cases, the body of the nation for its auxiliary, and generally acts with all the momentum of popular favor. In every such government it is consequently an organ of immense strength. But when there is an hereditary chief magistrate, clothed with dazzling prerogatives and a great patronage, there is a powerful counterpoise, which, in most cases, is sufficient to preserve the equilibrium of the government; in some cases, to incline the scales too much to its own side.

In governments wholly popular or representative, there is no adequate counterpoise.

Confidence in the most numerous, or legislative department, and jealousy of the executive chief, form the genius of every such government. That jealousy, operating in the constitution of the executive, causes the organ to be intrinsically feeble; and withholding in the course of administration accessory means of force and influence, is for the most part vigilant to continue it in a state of impotence. The result is that the legislative body, in this species of government, possesses additional resources of power and weight; while the executive is rendered much too weak for competition; almost too weak for self-defence.

A third principle, not less well founded than the other two, is that the judiciary department is naturally the weakest of the three. The sources of strength to the legislative branches have been briefly delineated. The executive, by means of its several active powers, of the dispensation of honors and emoluments, and of the direction of the public force, is evidently the second in strength. The judiciary, on the other hand, can ordain nothing. It commands neither the purse nor the sword. It has scarcely any patronage. Its functions are not active but deliberative. Its main province is

to declare the meaning of the laws; and, in extraordinary cases, it must even look up to the executive aid for the execution of its decisions. Its chief strength is in the veneration which it is able to inspire by the wisdom and the rectitude of its judgments. — "*Lucius Crassus*," 1802. Vol. VII, pp. 285–286.

Direct Action of Central Government on Citizens

It seems to require no pains to prove that the States ought not to prefer a national Constitution which could only be kept in motion by the instrumentality of a large army continually on foot to execute the ordinary requisitions or decrees of the government. And yet this is the plain alternative involved by those who wish to deny it the power of extending its operations to individuals. Such a scheme, if practicable at all, would instantly degenerate into a military despotism; but it will be found in every light impracticable. The resources of the Union would not be equal to the maintenance of an army considerable enough to confine the larger States within the limits of their duty; nor would the means ever be furnished of form-

ing such an army in the first instance. Whoever considers the populousness and strength of several of these States singly at the present juncture, and looks forward to what they will become even at the distance of half a century, will at once dismiss as idle and visionary any scheme which aims at regulating their movements by laws to operate upon them in their collective capacities, and to be executed by a coercion applicable to them in the same capacities. A project of this kind is little less romantic than the monster-taming spirit which is attributed to the fabulous heroes and demi-gods of antiquity. . . .

The result of these observations to an intelligent mind must be clearly this, that if it be possible at any rate to construct a federal government capable of regulating the common concerns and preserving the general tranquillity . . . it must carry its agency to the persons of the citizens. It must stand in need of no intermediate legislations; but must itself be empowered to employ the arm of the ordinary magistrate to execute its own resolutions. The majesty of the national authority must be manifested through the medium of the courts of justice. The government of the Union, like

that of each State, must be able to address itself immediately to the hopes and fears of individuals; and to attract to its support those passions which have the strongest influence upon the human heart. — *The Federalist.* Vol. IX, pp. 94–95.

THE STATE GOVERNMENTS

THE STATE GOVERNMENTS

State and Federal Governments Compared

It is the temper of societies as well as of individuals to be impatient of constraint, and to prefer partial to general interest. Many cases may occur where members of a confederacy have, or seem to have, an advantage in things contrary to the good of the whole, or a disadvantage in others conducive to that end. The selfishness of every part will dispose each to believe that the public burdens are unequally apportioned, and that itself is the victim. These and other circumstances will promote a disposition for abridging the authority of the federal government; and the ambition of men in office in each state will make them glad to encourage it. They think their own consequence connected with the power of the government of which they are a part; and will endeavor to increase the one as the means of increasing the other.

The particular governments will have more empire over the minds of their subjects than

the general one, because their agency will be more direct, more uniform, and more apparent. The people will be habituated to look up to them as the arbiters and guardians of their personal concerns, by which the passions of the vulgar, if not of all men, are most strongly affected; and in every difference with the confederated body, will side with them against the common sovereign. — *The Continentalist*, July 19, 1781. Vol. I, pp. 238–239.

Influence of State Governments

The forms of our State constitutions must always give them great weight in our affairs, and will make it too difficult to bend them to the pursuit of a common interest, too easy to oppose whatever they do not like, and to form partial combinations subversive of the general one. There is a wide difference between our situation and that of an empire under one simple form of government, distributed into counties, provinces, or districts, which have no Legislatures, but merely magistratical bodies to execute the laws of a common sovereign. Here the danger is that the sovereign will have too much power, and oppress the parts of which it is composed. In our case, that of an empire composed of

confederated States, each with a government completely organized within itself, having all the means to draw its subjects to a close dependence on itself, the danger is directly the reverse. It is that the common sovereign will not have power sufficient to unite the different members together, and direct the common forces to the interest and happiness of the whole. — *Letter to James Duane*, September 3, 1780. Vol. I, pp. 206–207.

State and Federal Governments

In a contest of this kind [between the Federal government and the states], the body of the people will always be on the side of the State governments. This will not only result from their love of liberty and regard to their own safety, but from other strong principles of human nature. The State governments operate on those immediate familiar personal concerns to which the sensibility of individuals is awake. The distribution of private justice belonging to them, they must always appear to the sense of the people as the immediate guardians of their rights. They will, of course, have the strongest hold on their attachment, respect, and obedience. Another circumstance will contribute to

the same end. Far the greatest number of offices and employments are in the gift of the States separately; the weight of official influence will therefore be in favor of the State governments; and, with all these advantages, they cannot fail to carry the people along with them in every contest with the General Government in which they are not palpably in the wrong, and often when they are. What is to be feared from the efforts of Congress to establish a tyranny, with the great body of the people, under the direction of their State governments, combined in opposition to their views? Must not their attempts recoil upon themselves, and terminate in their own ruin and disgrace? or, rather, would not these considerations, if they were insensible to other motives, for ever restrain them from making such attempts?

The causes taken notice of, as securing the attachment of the people to their local governments, present us with another important truth — the natural imbecility of federal governments, and the danger that they will never be able to exercise power enough to manage the general affairs of the Union; though the States will have a common interest, yet they will also have a particular interest. For example, as a

part of the Union, it will be the interest of every State to pay as little itself, and to let its neighbors pay as much as possible. Particular interests have always more influence upon men than general. The Federal States, therefore, consulting their immediate advantage, may be considered as so many eccentric powers, tending in a contrary direction to the government of the Union; and as they will generally carry the people along with them, the Confederacy will be in continual danger of dissolution. This, Mr. Chairman, is the real rock upon which the happiness of this country is likely to split. This is the point to which our fears and cares should be directed, to guard against this, and not to terrify ourselves with imaginary dangers from the spectre of power in Congress, will be our true wisdom. — *Speech on the Revenue System*, 1787. Vol. II, pp. 30–31.

As to the destruction of State governments, the great and real anxiety is to be able to preserve the national from the too potent and counteracting influence of those governments. As to my own political creed, I give it to you with the utmost sincerity. I am affectionately attached to the republican theory. I desire

above all things to see the equality of political rights, exclusive of all hereditary distinction, firmly established by a practical demonstration of its being consistent with the order and happiness of society. As to State governments, the prevailing bias of my judgment is that if they can be circumscribed within bounds, consistent with the preservation of the national government, they will prove useful and salutary. If the States were all of the size of Connecticut, Maryland, or New Jersey, I should decidedly regard the local governments as both safe and useful. As the thing now is, I acknowledge the most serious apprehensions, that the government of the United States will not be able to maintain itself against their influence. I see that influence already penetrating into the national councils and preventing their direction. Hence a disposition on my part towards a liberal construction of the powers of the national government, and to erect every fence, to guard it from depredations, which is, in my opinion, consistent with constitutional propriety. As to any combination to prostrate the State governments, I disavow and deny it. — *Letter to Colonel Edward Carrington*, 1792. Vol. VIII, pp. 263–264.

There is, in the nature of sovereign power, an impatience of control, that disposes those who are invested with the exercise of it, to look with an evil eye upon all external attempts to restrain or direct its operations. From this spirit it happens, that in every political association which is formed upon the principle of uniting in a common interest a number of lesser sovereignties, there will be found a kind of eccentric tendency in the subordinate or inferior orbs, by the operation of which there will be a perpetual effort in each to fly off from the common centre. This tendency is not difficult to be accounted for. It has its origin in the love of power. Power controlled or abridged is almost always the rival and enemy of that power by which it is controlled or abridged. This simple proposition will teach us, how little reason there is to expect, that the persons intrusted with the administration of the affairs of the particular members of a confederacy, will at all times be ready, with perfect good-humor, and an unbiased regard to the public weal, to execute the resolutions or decrees of the general authority. The reverse of this results from the constitution of human nature.

If, therefore, the measures of the Confederacy

cannot be executed without the intervention of the particular administrations, there will be little prospect of their being executed at all. The rulers of the respective members, whether they have a constitutional right to do it or not, will undertake to judge of the propriety of the measures themselves. They will consider the conformity of the thing proposed or required to their immediate interests or aims; the momentary conveniences or inconveniences that would attend its adoption. All this will be done; and in a spirit of interested and suspicious scrutiny, without that knowledge of national circumstances and reasons of state, which is essential to a right judgment, and with that strong predilection in favor of local objects, which can hardly fail to mislead the decision. The same process must be repeated in every member of which the body is constituted; and the execution of the plans, framed by the councils of the whole, will always fluctuate on the discretion of the ill-informed and prejudiced opinion of every part. Those who have been conversant in the proceedings of popular assemblies; who have seen how difficult it often is, where there is no exterior pressure of circumstances, to bring them to harmonious resolu-

tions on important points, will readily conceive how impossible it must be to induce a number of such assemblies, deliberating at a distance from each other, at different times, and under different impressions, long to cooperate in the same views and pursuits. — *The Federalist.* Vol. IX, p. 90.

It is . . . improbable that there should exist a disposition in the federal councils to usurp the powers with which they are connected; because the attempt to exercise those powers would be as troublesome as it would be nugatory; and the possession of them, for that reason, would contribute nothing to the dignity, to the importance, or to the splendor of the national government. . . .

It will always be far more easy for the State governments to encroach upon the national authorities, than for the national government to encroach upon the State authorities. The proof of this proposition turns upon the greater degree of influence which the State governments, if they administer their affairs with uprightness and prudence, will generally possess over the people; a circumstance which at the same time teaches us that there is an inherent

and intrinsic weakness in all federal constitutions; and that too much pains cannot be taken in their organization, to give them all the force which is compatible with the principles of liberty. . . .

It is a known fact in human nature, that its affections are commonly weak in proportion to the distance or diffusiveness of the object. Upon the same principle that a man is more attached to his family than to his neighborhood, to his neighborhood than to the community at large, the people of each State would be more apt to feel a stronger bias towards their local governments than towards the government of the Union; unless the force of that principle should be destroyed by a much better administration of the latter. . . .

There is one transcendent advantage belonging to the province of the State governments, which alone suffices to place the matter in a clear and satisfactory light, — I mean the ordinary administration of criminal and civil justice. This, of all others, is the most powerful, most universal, and most attractive source of popular obedience and attachment. — *The Federalist.* Vol. IX, pp. 98–99.

The moment we launch into conjectures about the usurpations of the federal government, we get into an unfathomable abyss, and fairly put ourselves out of the reach of all reasoning. Imagination may range at pleasure till it gets bewildered amidst the labyrinths of an enchanted castle, and knows not on which side to extricate itself from the perplexities into which it has so rashly adventured. Whatever may be the limits or modifications of the powers of the Union, it is easy to imagine an endless train of possible dangers; and by indulging an excess of jealousy and timidity, we may bring ourselves to a state of absolute scepticism and irresolution. I repeat here what I have observed in substance in another place, that all observations founded upon the danger of usurpation ought to be referred to the composition and structure of the government, not to the nature or extent of its powers. The State governments, by their original constitutions, are invested with complete sovereignty. In what does our security consist against usurpation from that quarter? Doubtless in the manner of their formation, and in a due dependence of those who are to administer them upon the people. If the proposed construction of the

federal government be found, upon an impartial examination of it, to be such as to afford, to a proper extent, the same species of security, all apprehensions on the score of usurpation ought to be discarded.

It should not be forgotten that a disposition in the State governments to encroach upon the rights of the Union is quite as probable as a disposition in the Union to encroach upon the rights of the State governments. What side would be likely to prevail in such a conflict, must depend on the means which the contending parties could employ towards insuring success. As in republics, strength is always on the side of the people, and as there are weighty reasons to induce a belief that the State governments will commonly possess most influence over them, the natural conclusion is that such contests will be most apt to end to the disadvantage of the Union; and that there is greater probability of encroachments by the members upon the Federal head, than by the Federal head upon the members. But it is evident that all conjectures of this kind must be extremely vague and fallible; and that it is by far the safest course to lay them altogether aside, and to confine our attention wholly to the nature and ex-

tent of the powers as they are delineated in the Constitution. Every thing beyond this must be left to the prudence and firmness of the people; who, as they will hold the scales in their own hands, it is to be hoped, will always take care to preserve the constitutional equilibrium between the general and the State governments. Upon this ground, which is evidently the true one, it will not be difficult to obviate the objections which have been made to an indefinite power of taxation in the United States. — *The Federalist.* Vol. IX, pp. 183–185.

THE PRESIDENT

THE PRESIDENT

Mode of Choosing a President

If the manner of it [the election of a President by electors] be not perfect, it is at least excellent. It unites in an eminent degree all the advantages, the union of which was to be wished for.

It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any preestablished body, but to men chosen by the people for the special purpose, and at the particular conjuncture.

It was equally desirable, that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons, and inducements which were proper to govern their choice. A small number of persons, selected by their fellow-citizens from

the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations.

It was also desirable to afford as little opportunity as possible to tumult and disorder. This evil was not least to be dreaded in the election of a magistrate, who was to have so important an agency in the administration of the government as the President of the United States. But the precautions which have been so happily concerted in the system under consideration, promise an effectual security against this mischief. The choice of *several*, to form an intermediate body of electors, will be much less apt to convulse the community with any extraordinary or violent movements, than the choice of *one* who was himself to be the final object of the public wishes. And as the electors, chosen in each State, are to assemble and vote in the State in which they are chosen, this detached and divided situation will expose them much less to heats and ferments, which might be communicated from them to the people, than if they were all to be convened at one time, in one place. — *The Federalist.* Vol. IX, pp. 424–425.

The President and Central Government

I am . . . for a general government, yet would wish to go the full length of republican principles. Let one body of the Legislature be constituted during good behavior or life. Let an Executive be appointed who dares execute his powers. It may be asked: Is this a republican system? It is strictly so, as long as they remain elective. And let me observe, that an Executive is less dangerous to the liberties of the people when in office during life, than for seven years. It may be said, this constitutes an elective monarchy. Pray, what is a monarchy? May not the governors of the respective States be considered in that light? But, by making the Executive subject to impeachment, the term monarchy cannot apply. These elective monarchs have produced tumults in Rome, and are equally dangerous to peace in Poland; but this cannot apply to the mode in which I would propose the election. Let electors be appointed in each of the States to elect the Executive . . . [the Legislature] to consist of two branches; and I would give them the unlimited power of passing all laws, without exception. The Assembly to be elected for

three years, by the people in districts. The Senate to be elected by electors to be chosen for that purpose by the people, and to remain in office during life. The Executive to have the power of negativing all laws; to make war or peace, with their advice, but to have the sole direction of all military operations, and to send ambassadors, and appoint all military officers; and to pardon all offenders, treason excepted, unless by advice of the Senate. On his death or removal, the President of the Senate to officiate, with the same powers, until another is elected. Supreme judicial officers to be appointed by the Executive and the Senate. The Legislature to appoint courts in each State, so as to make the State governments unnecessary to it. All State laws which contravene the general laws to be absolutely void. An officer to be appointed in each State, to have a negative on all State laws. All the militia, and the appointments of officers, to be under the national government. I confess that this plan and that from Virginia are very remote from the idea of the people. Perhaps the Jersey plan is nearest their expectation. But the people are gradually ripening in their opinions of government; they begin to be tired of an

excess of democracy; and what even is the Virginia plan, but "pork still, with a little change of sauce." — *Speeches in the Federal Convention*, as reported by Yates, June 18, 1787. Vol. I, pp. 381–384.

Length of Presidential Term

Duration in office has been mentioned as the second requisite to the energy of the Executive authority. This has relation to two objects: to the personal firmness of the executive magistrate, in the employment of his constitutional powers; and to the stability of the system of administration which may have been adopted under his auspices. With regard to the first, it must be evident, that the longer the duration in office, the greater will be the probability of obtaining so important an advantage. It is a general principle of human nature, that a man will be interested in whatever he possesses in proportion to the firmness or precariousness of the tenure by which he holds it; will be less attached to what he holds by a momentary or uncertain title, than to what he enjoys by a durable or certain title; and, of course, will be willing to risk more for the sake of the one, than for the sake of the other. This remark is not

less applicable to a political privilege, or honor, or trust, than to any article of ordinary property. The inference from it is, that a man acting in the capacity of chief magistrate, under a consciousness that in a very short time he *must* lay down his office, will be apt to feel himself too little interested in it to hazard any material censure or perplexity, from the independent exertion of his powers, or from encountering the ill-humors, however transient, which may happen to prevail, either in a considerable part of the society itself, or even in a predominant faction of the legislative body. If the case should only be, that if he should be desirous of being continued, his wishes, conspiring with his fears, would tend still more powerfully to corrupt his integrity, or debase his fortitude. In either case, feebleness and irresolution must be the characteristics of the station. — *The Federalist.* Vol. IX, pp. 445–446.

It may be asked, how the shortness of the duration in office can affect the independence of the Executive on the legislature, unless the one were possessed of the power of appointing or displacing the other. One answer to this enquiry may be drawn from the principle

already remarked — that is, from the slender interest a man is apt to take in a short-lived advantage, and the little inducement it affords him to expose himself, on account of it, to any inconvenience or hazard. Another answer, perhaps more obvious, though not more conclusive, will result from the consideration of the influence of the legislative body over the people; which might be employed to prevent the reelection of a man who, by an upright resistance to any sinister project of that body, should have made himself obnoxious to its resentment.

It may be asked also, whether a duration of four years would answer the end proposed; and if it would not, whether a less period, which would at least be recommended by greater security against ambitious designs, would not, for that reason, be preferable to a longer period, which was, at the same time, too short for the purpose of inspiring the desired firmness and independence of the magistrate.

It cannot be affirmed, that a duration of four years, or any other limited duration, would completely answer the end proposed; but it would contribute towards it in a degree which would have a material influence upon

the spirit and character of the government. Between the commencement and termination of such a period, there would always be a considerable interval, in which the prospect of annihilation would be sufficiently remote, not to have an improper effect upon the conduct of a man indued with a tolerable portion of fortitude; and in which he might reasonably promise himself, that there would be time enough before it arrived, to make the community sensible of the propriety of the measures he might incline to pursue. Though it be probable that, as he approached the moment when the public were, by a new election, to signify their sense of his conduct, his confidence, and with it his firmness, would decline; yet both the one and the other would derive support from the opportunities which his previous continuance in the station had afforded him, of establishing himself in the esteem and goodwill of his constituents. He might, then, hazard with safety, in proportion to the proofs he had given of his wisdom and integrity, and to the title he had acquired to the respect and attachment of his fellow-citizens. — *The Federalist.* Vol. IX, pp. 448–449.

With a positive duration of considerable extent, I connect the circumstance of reeligibility. The first is necessary to give to the officer himself the inclination and the resolution to act his part well, and to the community time and leisure to observe the tendency of his measures, and thence to form an experimental estimate of their merits. The last is necessary to enable the people, when they see reason to approve of his conduct, to continue him in his station, in order to prolong the utility of his talents and virtues, and to secure to the government the advantage of permanency in a wise system of administration.

Nothing appears more plausible at first sight, nor more illfounded upon close inspection, than a scheme which in relation to the present point has had some respectable advocates, — I mean that of continuing the chief magistrate in office for a certain time, and then excluding him from it, either for a limited period or forever after. This exclusion, whether temporary or perpetual, would have nearly the same effects, and these effects would be for the most part rather pernicious than salutary.

One ill effect of the exclusion would be a diminution of the inducements to good behavior.

There are few men who would not feel much less zeal in the discharge of duty, when they were conscious that the advantages of the station with which it was connected must be relinquished at a determinate period, than when they were permitted to entertain a hope of *obtaining*, by *meriting*, a continuance of them. — *The Federalist.* Vol. IX, pp. 451–452.

Another ill effect of the exclusion would be the temptation to sordid views, to peculation, and, in some instances, to usurpation. An avaricious man, who might happen to fill the office, looking forward to a time when he must at all events yield up the emoluments he enjoyed, would feel a propensity, not easy to be resisted by such a man, to make the best use of the opportunity he enjoyed while it lasted, and might not scruple to have recourse to the most corrupt expedients to make the harvest as abundant as it was transitory; though the same man, probably, with a different prospect before him, might content himself with the regular perquisites of his situation, and might even be unwilling to risk the consequences of an abuse of his opportunities. His avarice might be a guard upon his avarice. — *The Federalist.* Vol. IX, p. 452.

An ambitious man, too, when he found himself seated on the summit of his country's honors, when he looked forward at the time at which he must descend from the exalted eminence for ever, and reflected that no exertion of merit on his part could save him from the unwelcome reverse; such a man, in such a situation, would be much more violently tempted to embrace a favorable conjuncture for attempting the prolongation of his power, at every personal hazard, than if he had the probability of answering the same end by doing his duty.

Would it promote the peace of the community, or the stability of the government to have half a dozen men who had had credit enough to be raised to the seat of the supreme magistracy, wandering among the people like discontented ghosts, and sighing for a place which they were destined never more to possess?

A third ill effect of the exclusion would be, the depriving the community of the advantage of the experience gained by the chief magistrate in the exercise of his office. That experience is the parent of wisdom, is an adage the truth of which is recognized by the wisest as well as the simplest of mankind. What more desirable or

more essential than this quality in the governors of nations? Where more desirable or more essential than in the first magistrate of a nation? Can it be wise to put this desirable and essential quality under the ban of the Constitution, and to declare that the moment it is acquired, its possessor shall be compelled to abandon the station in which it was acquired, and to which it is adapted? This, nevertheless, is the precise import of all those regulations which exclude men from serving their country, by the choice of their fellow-citizens, after they have by a course of service fitted themselves for doing it with a greater degree of utility.

A fourth ill effect of the exclusion would be the banishing men from stations in which, in certain emergencies of the state, their presence might be of the greatest moment to the public interest or safety. There is no nation which has not, at one period or another experienced an absolute necessity of the services of particular men in particular situations; perhaps it would not be too strong to say, to the preservation of its political existence. How unwise, therefore, must be every such self-denying ordinance as serves to prohibit a nation from making use of its own citizens in the manner

best suited to its exigencies and circumstances! — *The Federalist.* Vol. IX, pp. 453–454.

A fifth ill effect of the exclusion would be, that it would operate as a constitutional interdiction of stability in the administration. By *necessitating* a change of men, in the first office of the nation, it would necessitate a mutability of measures. It is not generally to be expected, that men will vary and measures remain uniform. The contrary is the usual course of things. — *The Federalist.* Vol. IX, p. 454.

What are the advantages promised to counterbalance these disadvantages? They are represented to be: 1st, greater independence in the magistrate; 2d, greater security to the people. Unless the exclusion be perpetual, there will be no pretence to infer the first advantage. But even in that case, may he have no object beyond his present station, to which he may sacrifice his independence? May he have no connections, no friends, for whom he may sacrifice it? May he not be less willing, by a firm conduct, to make personal enemies, when he acts under the impression that a time is fast approaching, on the arrival of which he

not only *may*, but *must*, be exposed to their resentments, upon an equal, perhaps upon an inferior, footing? Is it not an easy point to determine whether his independence would be most promoted or impaired by such an arrangement.

As to the second supposed advantage, there is still greater reason to entertain doubts concerning it. If the exclusion were to be perpetual, a man of irregular ambition, of whom alone there could be reason in any case to entertain apprehension, would, with infinite reluctance, yield to the necessity of taking his leave forever of a post in which his passion for power and preeminence had acquired the force of habit. And if he had been fortunate or adroit enough to conciliate the good-will of the people, he might induce them to consider as a very odious and unjustifiable restraint upon themselves, a provision which was calculated to debar them of the right of giving a fresh proof of their attachment to a favorite. — *The Federalist.* Vol. IX, pp. 454–455.

The Executive and the Treaty Power

However proper or safe it may be in governments where the executive magistrate is an

hereditary monarch, to commit to him the entire power of making treaties, it would be utterly unsafe and improper to intrust that power to an elective magistrate of four years' duration. It has been remarked, upon another occasion, and the remark is unquestionably just, that an hereditary monarch, though often the oppressor of his people, has personally too much stake in the government to be in any material danger of being corrupted by foreign powers. But a man raised from the station of a private citizen to the rank of chief magistrate, possessed of a moderate or slender fortune, and looking forward to a period not very remote when he may probably be obliged to return to the station from which he was taken, might sometimes be under temptations to sacrifice his duty to his interest, which it would require superlative virtue to withstand. An avaricious man might be tempted to betray the interests of the state to the acquisition of wealth. An ambitious man might make his own aggrandizement, by the aid of a foreign power, the price of his treachery to his constituents. The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and

momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a President of the United States.

To have intrusted the power of making treaties to the Senate alone, would have been to relinquish the benefits of the constitutional agency of the President in the conduct of foreign negotiations. It is true that the Senate would, in that case, have the option of employing him in this capacity, but they would also have the option of letting it alone, and pique or cabal might induce the latter rather than the former. Besides this, the ministerial servant of the Senate could not be expected to enjoy the confidence and respect of foreign powers in the same degree with the constitutional representatives of the nation, and, of course, would not be able to act with an equal degree of weight or efficacy. While the Union would, from this cause, lose a considerable advantage in the management of its external concerns, the people would lose the additional security which would result from the coöperation of the Executive. Though it would be imprudent to confide in him solely so important a trust, yet it cannot

be doubted that his participation would materially add to the safety of the society. It must indeed be clear to a demonstration that the joint possession of the power in question, by the President and Senate, would afford a greater prospect of security, than the separate possession of it by either of them. And whoever has maturely weighed the circumstances which must concur in the appointment of a President, will be satisfied that the office will always bid fair to be filled by men of such characters as to render their concurrence in the formation of treaties peculiarly desirable, as well on the score of wisdom, as on that of integrity.

The remarks made in a former number, which have been alluded to in another part of this paper, will apply with conclusive force against the admission of the House of Representatives to a share in the formation of treaties. The fluctuating and, taking its future increase into the account, the multitudinous composition of that body, forbid us to expect in it those qualities which are essential to the proper execution of such a trust. Accurate and comprehensive knowledge of foreign politics; a steady and systematic adherence to the same views; a nice and uniform sensibility to national char-

acter; decision, *secrecy*, and despatch, are incompatible with the genius of a body so variable and so numerous. — *The Federalist.* Vol. IX, pp. 467–469.

The legislative department is not the *organ* of intercourse between the United States and foreign nations. It is charged neither with *making* nor *interpreting* treaties. It is therefore not naturally that member of the government which is to pronounce on the existing condition of the nation with regard to foreign powers, or to admonish the citizens of their obligations and duties in consequence; still less is it charged with enforcing the observances of those obligations and duties. . . .

The province of [the judiciary] department is to decide the litigation in particular cases. It is indeed charged with the interpretations of treaties, but it exercises this function only where contending parties bring before it a specific controversy. It has no concern with pronouncing upon the external political relations of treaties between government and government. This position is too plain to need being insisted upon.

It must, then, of necessity belong to the

executive department to exercise the function in question, when a proper case for it occurs.

It appears to be connected with that department in various capacities: — As the *organ* of intercourse between the nation and foreign nations; as the *interpreter* of the national treaties, in those cases in which the judiciary is not competent — that is, between government and government; as the *power* which is charged with the execution of the laws, of which treaties form a part; as that which is charged with the command and disposition of the public force. — "*Pacificus*," 1793. Vol. IV, pp. 139–140.

THE LEGISLATURE

THE LEGISLATURE

Legislative Powers

The fundamental defect [of the Continental Congress before the adoption of the constitution] is a want of power in Congress. It is hardly worth while to show in what this consists, as it seems to be universally acknowledged; or to point out how it has happened, as the only question is how to remedy it. It may, however, be said, that it has originated from three causes: an excess of the spirit of liberty, which has made the particular States show a jealousy of all power not in their own hands, — and this jealousy has led them to exercise a right of judging in the last resort of the measures recommended by Congress, and of acting according to their own opinions of their propriety, or necessity; a diffidence, in Congress, of their own powers, by which they have been timid and indecisive in their resolutions, constantly making concessions to the States, till they have scarcely left themselves the shadow of power; a want of sufficient means at their disposal to

answer the public exigencies, and of vigor to draw forth those means, which have occasioned them to depend on the States, individually to fulfill their engagements with the army, — the consequence of which has been to ruin their influence and credit with the army, to establish its dependence on each State separately, rather than *on them* — that is, rather than on the whole collectively.

It may be pleaded that Congress had never any definite powers granted them, and of course could exercise none, could do nothing more than recommend. The manner in which Congress was appointed would warrant, and the public good required that they should have considered themselves as vested with full power *to preserve the republic from harm.* They have done many of the highest acts of sovereignty, which were always cheerfully submitted to: The declaration of independence, the declaration of war, the levying of an army, creating a navy, emitting money, making alliances with foreign powers, appointing a dictator, etc. All these implications of a complete sovereignty were never disputed, and ought to have been a standard for the whole conduct of administration. Undefined powers are discretionary

powers, limited only by the object for which they were given; in the present case the independence and freedom of America. — *Letter to James Duane*, September 3, 1780. Vol. I, pp. 203–205.

Representation in the Legislature

Hence it appears that such "of the people as have no vote in the choice of representatives, and therefore are governed by laws to which they have not consented, either by themselves or by their representatives," are only those "persons who are *in so mean a situation* that they are esteemed to have *no will* of their own." Every *free agent*, every free man, possessing a freehold of forty shillings per annum, is, by the British constitution, entitled to a vote in the election of those who are invested with the disposal of his life, his liberty, and property.

It is therefore evident, to a demonstration, that unless a *free agent* in America be permitted to enjoy the same privilege, we are entirely stripped of the benefits of the constitution, and precipitated into an abyss of slavery. For we are deprived of that immunity which is the grand pillar and support of freedom. And this cannot be done without a direct violation of

the constitution, which decrees to every *free agent* a share in the legislature.

It deserves to be remarked here, that those very persons in Great Britain who are *in so mean a situation* as to be excluded from a part in the elections, are in more eligible circumstances than they would be in who have every necessary qualification.

They compose a part of that society to whose government they are subject. They are nourished and maintained by it, and partake in every other emolument for which they are qualified. They have, no doubt, most of them, relations and connections among those who are privileged to vote and by that means are not entirely without influence in the appointment of their rulers. They are not governed by laws made expressly and exclusively for them, but by the general laws of their country, equally obligatory on the legal electors and on the law-makers themselves. So that they have nearly the same security against oppression which the body of the people have.

To this we may add, that they are only under a conditional prohibition, which industry and good fortune may remove. They may, one day, accumulate a sufficient property to enable

them to emerge out of their present state. Or, should they die in it, their situation is not entailed upon their posterity by a fixed and irremediable doom. They, agreeably to the ordinary vicissitudes of human affairs, may acquire what their parents were deficient in. — *The Farmer Refuted*, 1775. Vol. I, pp. 86–87.

The Basis of Representation

The idea of an actual representation of all classes of the people, by persons of each class, is altogether visionary. Unless it were expressly provided in the Constitution, that each different occupation should send one or more members, the thing would never take place in practice. Mechanics and manufacturers will always be inclined, with few exceptions, to give their votes to merchants, in preference to persons of their own professions or trades. Those discerning citizens are well aware that the mechanic and manufacturing arts furnish the materials of mercantile enterprise and industry. Many of them, indeed, are immediately connected with the operations of commerce. They know that the merchant is their natural patron and friend; and they are aware, that however great the confidence they may justly feel in

their own good sense, their interests can be more effectually promoted by the merchant than by themselves. They are sensible that their habits in life have not been such as to give them those acquired endowments, without which, in a deliberative assembly, the greatest natural abilities are for the most part useless; and that the influence and weight, and superior acquirements of the merchants render them more equal to a contest with any spirit which might happen to diffuse itself into the public councils, unfriendly to the manufacturing and trading interests. These considerations, and many others that might be mentioned, prove, and experience confirms it, that artisans and manufacturers will commonly be disposed to bestow their votes upon merchants as the natural representatives of all these classes of the community.

With regard to the learned professions, little need be observed; they truly form no distinct interest in society, and according to their situation and talents, will be indiscriminately the objects of the confidence and choice of each other, and of other parts of the community.

Nothing remains but the landed interest; and this, in a political view, and particularly in

relation to taxes, I take to be perfectly united, from the wealthiest landlord down to the poorest tenant. No tax can be laid on land which will not affect the proprietor of millions of acres as well as the proprietor of a single acre. Every landholder will therefore have a common interest to keep the taxes on land as low as possible; and common interest may always be reckoned upon as the surest bond of sympathy. But if we even could suppose a distinction of interest between the opulent landholder and the middling farmer, what reason is there to conclude, that the first would stand a better chance of being deputed to the national legislature than the last? If we take fact as our guide, and look into our own senate and assembly [New York], we shall find that moderate proprietors of land prevail in both; nor is this less the case in the senate, which consists of a smaller number, than in the assembly, which is composed of a greater number. Where the qualifications of the electors are the same, whether they have to choose a small or large number, their votes will fall upon those in whom they have the most confidence; whether these happen to be men of large fortunes, or of moderate property, or of no property at all.

It is said to be necessary, that all classes of citizens should have some of their own number in the representative body, in order that their feelings and interests may be the better understood and attended to. But we have seen that this will never happen under any arrangement that leaves the votes of the people free. Where this is the case, the representative body, with too few exceptions to have any influence on the spirit of government, will be composed of landholders, merchants, and men of the learned professions. But where is the danger that the interests and feelings of the different classes of citizens will not be understood or attended to by these three descriptions of men? Will not the landholder know and feel whatever will promote or injure the interest of landed property? And will he not, from his own interest in that species of property, be sufficiently prone to resist every attempt to prejudice or encumber it? Will not the merchant understand and be disposed to cultivate, as far as may be proper, the interests of the mechanic and manufacturing arts, to which his commerce is so nearly allied? Will not the man of the learned profession, who will feel a neutrality to the rivalships between the different branches of industry, be

likely to prove an impartial arbiter between them, ready to promote either, so far as it shall appear to him conducive to the general interests of the society?

If we take into account the momentary humors of dispositions which may happen to prevail in particular parts of the society, and to which a wise administration will never be inattentive, is the man whose situation leads to extensive inquiry and information less likely to be a competent judge of their nature, extent, and foundation than one whose observation does not travel beyond the circle of his neighbors and acquaintances? Is it not natural that a man who is a candidate for the favor of the people, and who is dependent on the suffrages of his fellow-citizens for the continuance of his public honors, should take care to inform himself of their dispositions and inclinations, and should be willing to allow them their proper degree of influence upon his conduct? This dependence, and the necessity of being bound himself, and his posterity, by the laws to which he gives his assent, are the true, and they are the strong chords of sympathy between the representative and the constituent. — *The Federalist.* Vol. IX, pp. 204–206.

Term of Legislative Service

No man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate. A part of this knowledge may be acquired by means of information which lie within in the compass of men on private as well as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which requires the use of it. The period of service, ought, therefore, in all such cases, to bear some proportion to the extent of practical knowledge requisite to the due performance of the service. The period of legislative service established in most of the States for the more numerous branch is, as we have seen, one year. The question then may be put into this simple form: does the period of two years bear no greater proportion to the knowledge requisite for federal legislation than one year does to the knowledge requisite for State legislation? The very statement of the question, in this form, suggests the answer that ought to be given to it. — *The Federalist.* Vol. IX, pp. 335–336.

The Legislature and the People

The *third* charge against the House of Representatives is, that it will be taken from that class of citizens which will have the least sympathy with the mass of the people, and be most likely to aim at an ambitious sacrifice of the many to the aggrandizement of the few.

Of all the objections which have been framed against the federal Constitution, this is perhaps the most extraordinary. Whilst the objection itself is levelled against a pretended oligarchy, the principle of it strikes at the very root of republican government.

The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold the public trust. The elective mode of obtaining rulers is the characteristic policy of republican government. The means relied on in this form of government for preventing their degeneracy are numerous and various. The most effectual one, is such a limitation of the term of appointments as will

maintain a proper responsibility to the people. . . .

Who are to be the electors of the federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the corresponding branch of the legislature of the State.

Who are to be the subjects of popular choice? Every citizen whose merit may recommend him to the esteem and confidence of his country. No qualification of wealth, of birth, of religious faith, or of civil profession is permitted to fetter the judgment or disappoint the inclination of the people. — *The Federalist.* Vol. IX, pp. 355–356.

Size of Legislative Bodies

In all legislative assemblies the greater the number composing them may be, the fewer will be the men who will in fact direct their proceedings. In the first place, the more numerous an assembly may be, of whatever characters

composed, the greater is known to be the ascendancy of passion over reason. In the next place, the larger the number, the greater will be the proportion of members of limited information and of weak capacities. Now, it is precisely on characters of this description that the eloquence and address of the few are known to act with all their force. In the ancient republics, where the whole body of the people assembled in person, a single orator, or an artful statesman, was generally seen to rule with as complete a sway as if a sceptre had been placed in his single hand. On the same principle, the more multitudinous a representative assembly may be rendered, the more it will partake of the infirmities incident to collective meetings of the people. Ignorance will be the dupe of cunning, and passion the slave of sophistry and declamation. The people can never err more than in supposing that by multiplying their representatives beyond a certain limit, they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, *after securing a sufficient number for the purposes of local information, and of diffusive sympathy with the whole society*, they will counteract their own views by every addition to their represent-

atives. The countenance of the government may become more democratic, but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed.

As connected with the objection against the number of representatives, may properly be here noticed, that which has been suggested against the number made competent for legislative business. It has been said that more than a majority ought to have been required for a quorum; and in particular cases, if not in all, more than a majority of a quorum for a decision. That some advantages might have resulted from such a precaution, cannot be denied. It might have been an additional shield to some particular interests, and another obstacle to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: the power would be transferred to the minority. Were the defensive

privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or, in particular emergencies, to extort unreasonable indulgences. Lastly, it would facilitate and foster the baneful practice of secessions; a practice which has shown itself even in States where a majority only is required; a practice subversive of all the principles of order and regular government; a practice which leads more directly to public convulsions, and the ruin of popular governments, than any other which has yet been displayed among us. — *The Federalist.* Vol. IX, pp. 367–368.

Frequency of Election

The mutability in the public councils arising from a rapid succession of new members, however qualified they may be, points out, in the strongest manner, the necessity of some stable institution in the government. Every new election in the States is found to change one half of the representatives. From this change of men must proceed a change of opinions; and from a change of opinions, a change of measures. But a continual change even of

good measures is inconsistent with every rule of prudence and every prospect of success. The remark is verified in private life, and becomes more just, as well as more important, in national transactions. — *The Federalist.* Vol. IX, p. 389.

As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the [legislative] branch of it . . . should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured. But what particular degree of frequency may be absolutely necessary for the purpose, does not appear to be susceptible of any precise calculation, and must depend on a variety of circumstances with which it may be connected. Let us consult experience, the guide that ought always to be followed whenever it can be found. — *The Federalist.* Vol. IX, p. 329.

THE JUDICIARY

THE JUDICIARY

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no *ex-post-facto* laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

Some perplexity respecting the rights of the courts to pronounce legislative acts void, because contrary to the Constitution, has arisen from an imagination that the doctrine would imply a superiority of the judiciary to the legislative power. It is urged that the authority which can declare the acts of another void, must necessarily be superior to the one whose

acts may be declared void. As this doctrine is of great importance in all the American constitutions, a brief discussion of the ground on which it rests cannot be unacceptable.

There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers authorize, but what they forbid.

If it be said that the legislative body are themselves the constitutional judges of their own powers, and that the construction they put upon them is conclusive upon the other departments, it may be answered, that this cannot be the natural presumption, where it is not to be collected from any particular provisions in the Constitution. It is not otherwise to be supposed, that the Constitution could intend to enable the representatives of

the people to substitute their *will* to that of their constituents. It is far more rational to suppose, that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred to the statute, the intention of the people to the intention of their agents.

Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their

decisions by the fundamental laws, rather than by those which are not fundamental. — *The Federalist.* Vol. IX, pp. 484–486.

Next to permanency in office, nothing can contribute more to the independence of the judges than a fixed provision for their support. The remark made in relation to the President is equally applicable here. In the general course of human nature, *a power over a man's subsistence amounts to a power over his will.* And we can never hope to see realized in practice, the complete separation of the judicial from the legislative power, in any system which leaves the former dependent for pecuniary resources on the occasional grants of the latter. The enlightened friends to good government in every State, have seen cause to lament the want of precise and explicit precautions in the State constitutions on this head. Some of these indeed have declared that *permanent* . . . salaries should be established for the judges; but the experiment has in some instances shown that such expressions are not sufficiently definite to preclude legislative evasions. Something still more positive and unequivocal has been evinced to be requisite. The plan of the con-

vention accordingly has provided that the judges of the United States "shall at *stated times* receive for their services a compensation which shall not be *diminished* during their continuance in office." — *The Federalist.* Vol. IX, p. 491.

It can be of no weight to say that the courts, on the pretence of a repugnancy, may substitute their own pleasure to the constitutional intentions of the legislature. This might as well happen in the case of two contradictory statutes; or it might as well happen in every adjudication upon any single statute. The courts must declare the sense of the law; and if they should be disposed to exercise *will* instead of *judgment*, the consequence would equally be the substitution of their pleasure to that of the legislative body. The observation, if it prove anything, would prove that there ought to be no judges distinct from that body.

If, then, the courts of justice are to be considered as the bulwarks of a limited Constitution against legislative encroachments, this consideration will afford a strong argument for the permanent tenure of judicial offices, since nothing will contribute so much as this to that

independent spirit in the judges which must be essential to the faithful performance of so arduous a duty. — *The Federalist.* Vol. IX, p. 487.

According to the plan of the convention, all judges who may be appointed by the United States are to hold their offices *during good behavior;* which is conformable to the most approved of the State constitutions, and among the rest, to that of this State. Its propriety having been drawn into question by the adversaries of that plan, is no light symptom of the rage for objection, which disorders their imaginations and judgments. The standard of good behavior for the continuance in office of the judicial magistracy, is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government, to secure a steady, upright, and impartial administration of the laws. — *The Federalist.* Vol. IX, p. 483.

No man can think more highly of our judges, and I may say personally so of those who now preside, than myself; but I must forget what human nature is, and how her history has taught us that permanent bodies may be so corrupted, before I can venture to assert that it cannot be. As then it may be, I do not think it safe thus to compromise our independence. For though, as individuals, the judges may be interested in the general welfare, yet, if once they enter into these views of government, their power may be converted into the engine of oppression. It is in vain to say that allowing them this exclusive right to declare the law, on what the jury has found, can work no ill; for, by this privilege, they can assume and modify the fact, so as to make the most innocent publication libellous. It is therefore not a security to say, that this exclusive power will but follow the law. It must be with the jury to decide on the intent; they must in certain cases be permitted to judge of the law, and pronounce on the combined matter of law and of fact. Passages have been adduced from Lord Mansfield's declarations to show that judges cannot be under the influence of an administration. Yet still it would be contrary to our own experi-

ence, to say that they could not. I do not think that even as to our own country it may not be. There are always motives and reasons that may be held up. It is therefore still more necessary, here, to mingle this power, than in England. The person who appoints there, is hereditary. That person cannot alone attack the judiciary; he must be united with the two Houses of Lords and of Commons, in assailing the judges. But, with us, it is the vibration of party. As one side or the other prevails, so of that class and temperament will be the judges of their nomination. Ask any man, however ignorant of principles of government, who constitute the judiciary, he will tell you the favorites of those at the head of affairs. According then to the theory of this our free government, the independence of our judges is not so well secured as in England. We have here reasons for apprehension not applicable there. — *Speech in the New York Supreme Court*, 1804. Vol. VII, pp. 341–342.

It may in the last place be observed that the supposed danger of judiciary encroachments on the legislative authority, which has been upon many occasions reiterated, is in reality a phan-

tom. Particular misconstructions and contraventions of the will of the legislature may now and then happen; but they can never be so extensive as to amount to an inconvenience, or in any sensible degree to affect the order of the political system. This may be inferred with certainty, from the general nature of the judicial power, from the objects to which it relates, from the manner in which it is exercised, from its comparative weakness, and from its total incapacity to support its usurpations by force. And the inference is greatly fortified by the consideration of the important constitutional check which the power of instituting impeachments in one part of the legislative body, and of determining upon them in the other, would give to that body upon the members of the judicial department. This is alone a complete security. There never can be danger that the judges, by a series of deliberate usurpations on the authority of the legislature, would hazard the united resentment of the body intrusted with it, while this body was possessed of the means of punishing their presumption, by degrading them from their stations. While this ought to remove all apprehensions on the subject, it affords, at the same time, a cogent argument for con-

stituting the Senate a court for the trial of impeachments. — *The Federalist*. Vol. IX, p. 505.

AGRICULTURE, COMMERCE, AND MANUFACTURES

AGRICULTURE, COMMERCE, AND MANUFACTURES

Advantages of Manufactures

It may be inferred that manufacturing establishments not only occasion a positive augmentation of the produce and revenue of the society, but that they contribute essentially to rendering them greater than they could possibly be without such establishments. These circumstances are:

1. The division of labor.
2. An extension of the use of machinery.
3. Additional employment to classes of the community not ordinarily engaged in the business.
4. The promoting of emigration from foreign countries.
5. The furnishing greater scope for the diversity of talents and dispositions, which discriminate men from each other.
6. The affording a more ample and various field for enterprise.
7. The creating, in some instances, a new,

and securing, in all, a more certain and steady demand for the surplus produce of the soil.

Each of these circumstances has a considerable influence upon the total mass of industrious effort in a community; together, they add to it a degree of energy and effect which is not easily conceived. — *Report on Manufactures*, 1791. Vol. III, p. 310.

Agriculture and Manufactures

Labor employed in agriculture is, in a great measure, periodical and occasional, depending on seasons, and liable to various and long intermissions; while that occupied in many manufactures is constant and regular, extending through the year, embracing, in some instances, night as well as day. It is also probable that there are, among the cultivators of land, more examples of remissness than among artificers. The farmer, from the peculiar fertility of his land, or some other favorable circumstance, may frequently obtain a livelihood, even with a considerable degree of carelessness in the mode of cultivation; but the artisan can with difficulty effect the same object, without exerting himself pretty equally with all those who are engaged in the same pursuit. And if

it may likewise be assumed as a fact, that manufactures open a wider field to exertions of ingenuity than agriculture, it would not be a strained conjecture, that the labor employed in the former, being at once more constant, more uniform, and more ingenious, than that which is employed in the latter, will be found, at the same time, more productive. — *Report on Manufactures*, 1791. Vol. III, pp. 301–302.

To affirm that the labor of the manufacturer is unproductive, because he consumes as much of the produce of land as he adds value to the raw material which he manufactures, is not better founded than it would be to affirm that the labor of the farmer, which furnishes materials to the manufacturer, is unproductive, because he consumes an equal value of manufactured articles. Each furnishes a certain portion of the produce of his labor to the other, and each destroys a corresponding portion of the produce of the labor of the other. In the meantime, the maintenance of two citizens, instead of one, is going on; the State has two members instead of one; and they, together, consume twice the value of what is produced from the land. — *Report on Manufactures*, 1791. Vol. III, pp. 306–307.

Considering how fast and how much the progress of new settlements in the United States must increase the surplus produce of the soil, and weighing seriously the tendency of the system which prevails among most of the commercial nations of Europe, whatever dependence may be placed on the force of natural circumstances to counteract the effects of an artificial policy, there appear strong reasons to regard the foreign demand for that surplus as too uncertain a reliance, and to desire a substitute for it in an extensive domestic market.

To secure such a market, there is no other expedient than to promote manufacturing establishments. Manufacturers, who constitute the most numerous class, after the cultivators of land, are for that reason the principal consumers of the surplus of their labor.

This idea of an extensive domestic market for the surplus produce of the soil, is of the first consequence. It is, of all things, that which most effectually conduces to a flourishing state of agriculture. If the effect of manufactories should be to detach a portion of the hands which would otherwise be engaged in tillage, it might possibly cause a smaller quantity of lands to be under cultivation; but, by

their tendency to procure a more certain demand for the surplus produce of the soil, they would, at the same time, cause the lands which were in cultivation to be better improved and more productive. . . .

It is the interest of nations to diversify the industrious pursuits of the individuals who compose them; . . . the establishment of manufactures is calculated not only to increase the general stock of useful and productive labor, but even to improve the state of agriculture in particular, — certainly to advance the interests of those who are engaged in it. — *Report on Manufactures*, 1791. Vol. III, p. 321.

Commerce

The prosperity of commerce is now perceived and acknowledged by all enlightened statesmen to be the most useful as well as the most productive source of national wealth, and has accordingly become a primary object of their political cares. By multiplying the means of gratification, by promoting the introduction and circulation of the precious metals, those darling objects of human avarice and enterprise, it serves to vivify and invigorate the channels of industry, and to make them flow with greater

activity and copiousness. The assiduous merchant, the laborious husbandman, the active mechanic, and the industrious manufacturer, — all orders of men, look forward with eager expectation and growing alacrity to this pleasing reward of their toils. The often-agitated question between agriculture and commerce has, from indubitable experience, received a decision which has silenced the rivalship that once subsisted between them, and has proved, to the satisfaction of their friends, that their interests are intimately blended and interwoven. It has been found in various countries that, in proportion as commerce has flourished, land has risen in value. And how could it have happened otherwise? Could that which procures a freer vent for the products of the earth, which furnishes new incitements to the cultivation of land, which is the most powerful instrument in increasing the quantity of money in a state — could that, in fine, which is the faithful handmaid of labor and industry, in every shape, fail to augment that article, which is the prolific parent of far the greatest part of the objects upon which they are exerted? — *The Federalist*, Vol. IX, pp. 67–68.

THE NATIONAL DEBT

THE NATIONAL DEBT

A NATIONAL debt, if it is not excessive, will be to us a national blessing. It will be a powerful cement of our Union. It will also create a necessity for keeping up taxation to a degree which, without being oppressive, will be a spur to industry, remote as we are from Europe, and shall be from danger. It were otherwise to be feared our popular maxims would incline us to too great parsimony and indulgence. We labor less now than any civilized nation of Europe; and a habit of labor is as essential to the health and vigor of their minds and bodies, as it is conducive to the welfare of the state. We ought not to suffer our self-love to deceive us in a comparison on these points. — *Letter to Robert Morris*, April 30, 1781. Vol. III, p. 124.

With the *creation* of debt, should be incorporated the *means* of extinguishment; which means are twofold: 1. *The establishing, at the time of contracting a debt, funds for the reimbursement of the principal*, as well as for the payment of interest within a determinate period. 2. The

making it a part of the contract, that the fund, so established, shall be inviolably applied to the object.

It is believed that it would be happy for the United States, if Congress would adopt this principle as a rule in all future loans — never to be departed from; and a good evidence of this determination will be, to apply it to the past. — *Report on the Public Credit*, 1795. Vol. III, pp. 14–15.

Taxation of Government Debts

Is there a right in a government to tax its own funds?

The pretence of this right is deduced from the general right of the legislative power to make all the property of the state contributory to its own exigencies.

But this right is obviously liable to be restricted by the *engagements* of the *government;* it cannot be justly exercised in contravention of them; they must form an exception. It will not be denied, that the general right in question could, and would, be abridged by an express promise not to tax the funds. This promise, indeed, has not been given in terms, but it has been given in substance. When an

individual lends money to the state, the state stipulates to repay him the principal lent, with a certain interest, or to pay a certain interest, indefinitely, till the principal is reimbursed; or it stipulates something equivalent, in another form. In our case, the stipulation is in the second form.

To tax the funds, is manifestly either to *take*, or to *keep back*, a portion of the principal or interest *stipulated to be paid.*

To do this, on whatever pretext, is *not to do what is expressly promised;* it is not to pay that precise principal, or that precise interest, which has been engaged to be paid; it is, therefore, to violate the promise given to the lender.

But is not the stipulation to the lender, a tacit reservation of the general right of the Legislature to raise contributions on the property of the state?

This cannot be supposed — because it involves two contradictory things; an *obligation to do*, and a *right not to do.* An obligation to *pay a certain sum*, and a *right to retain it in the shape of a tax.* It is against the rules, both of law and reason, to admit, by *implication*, in the construction of a contract, a principle which goes in destruction of it.

The government, by such a construction, would be made to say to the lender: "I want a sum of money, for a national purpose, which all the citizens ought to contribute proportionably, but it will be more convenient to them, and to me, to borrow the money of you. If you will lend it, I promise you faithfully, to allow you a *certain rate* of interest, while I keep the money, and to *reimburse the principal* within a determinate period, *except so much of the* one and the other as I may think fit to *withhold, in the shape of a tax.*"

Is such a construction either natural or rational? Does it not, in fact, nullify the promise by the reservation of a right not to perform it? — *Report on the Public Credit*, 1795. Vol. III, pp. 24–26.

Public debt can scarcely, in legal phrase, be defined either as *property* in possession or action. It is evidently not the first, till it is reduced to possession by payment. To be the second, would suppose a *legal power* to *compel* payment by *suit*. Does such a power exist? The true definition of public debt is *a property subsisting in the faith of the government. Its essence is promise.* Its definite value depends upon the

reliance that the promise will be definitely fulfilled. Can the government rightfully tax its promise? Can it put its faith under contribution? Where or *what* is the value of the debt, if such a right exists? . . .

When a government enters into contract with an individual, it deposes as to the matter of the contract its constitutional authority, and exchanges the character of legislator for that of a moral agent, with the same rights and obligations as an individual. Its promises may be justly considered as excepted out of its *power to legislate*, unless in aid of them. It is, in theory, impossible to reconcile the two ideas of *a promise which obliges* with a *power to make a law which can vary the effect of it*. This is the great principle that governs the question, and abridges the general right of the government to lay taxes, excepting out of it a species of property which subsists only in its promise. — *Report on the Public Credit*, 1795. Vol. III, pp. 27, 29.

THE TARIFF

THE TARIFF

If the system of perfect liberty to industry and commerce were the prevailing system of nations, the arguments which dissuade a country, in the predicament of the United States, from the zealous pursuit of manufactures, would doubtless have great force. It will not be affirmed that they might not be permitted, with few exceptions, to serve as a rule of national conduct. In such a state of things, each country would have the full benefit of its peculiar advantages to compensate for its deficiencies or disadvantages. . . .

But the system which has been mentioned is far from characterizing the general policy of nations. The prevalent one has been regulated by an opposite spirit. The consequence of it is, that the United States are, to a certain extent, in the situation of a country precluded from foreign commerce. They can, indeed, without difficulty, obtain from abroad the manufactured supplies of which they are in want; but they experience numerous and very injurious impedi-

ments to the emission and vent of their own commodities. Nor is this the case in reference to a single foreign nation only. The regulations of several countries, with which we have the most extensive intercourse, throw serious obstructions in the way of the principal staples of the United States.

In such a position of things, the United States cannot exchange with Europe on equal terms; and the want of reciprocity would render them the victim of a system which should induce them to confine their views to agriculture, and refrain from manufactures. A constant and increasing necessity, on their part, for the commodities of Europe, and only a partial and occasional demand for their own, in return, could not but expose them to a state of impoverishment, compared with the opulence to which their political and natural advantages authorize them to aspire. — *Report on Manufactures*, 1791. Vol. III, pp. 323–324.

Whatever room there may be for an expectation that the industry of a people, under the direction of private interest, will, upon equal terms, find out the most beneficial employment for itself, there is none for a reliance that it

will struggle against the force of unequal terms, or will, of itself, surmount all the adventitious barriers to a successful competition which may have been erected, either by the advantages naturally acquired from practice and previous possession of the ground, or by those which may have sprung from positive regulations and an artificial policy. This general reflection might alone suffice as an answer to the objection under examination, exclusively of the weighty considerations which have been particularly urged. — *Report on Manufactures*, 1791. Vol. II, pp. 329–330.

Duties of this nature [protective] evidently amount to a virtual bounty on the domestic fabrics; since, by enhancing the charges on foreign articles, they enable the national manufacturers to undersell all their foreign competitors. The propriety of this species of encouragement need not be dwelt upon, as it is not only a clear result from the numerous topics which have been suggested, but is sanctioned by the laws of the United States, in a variety of instances; it has the additional recommendation of being a resource of revenue. Indeed, all the duties imposed on imported articles,

though with an exclusive view to revenue, have the effect, in contemplation, and, except where they fall on raw materials, wear a beneficent aspect toward the manufacturers of the country.

[The prohibition of foreign articles or placing import duties equivalent to prohibition] is another and an efficacious means of encouraging national manufactures; but, in general, it is only fit to be employed when a manufacture has made such progress, and is in so many hands, as to insure a due competition, and an adequate supply on reasonable terms. . . . Considering a monopoly of the domestic market to its own manufacturers as the reigning policy of manufacturing nations, a similar policy on the part of the United States, in every proper instance, is dictated, it might almost be said, by the principles of distributive justice; certainly, by the duty of endeavoring to secure to their own citizens a reciprocity of advantages. — *Report on Manufactures*, 1791. Vol. II, p. 365.

Bounties

It cannot escape notice, that a duty upon the importation of an article can no otherwise aid the domestic production of it, than by giving the latter greater advantages in the home

market. It can have no influence upon the advantageous sale of the article produced in foreign markets — no tendency, therefore, to promote its exportation.

The true way to conciliate these two interests is to lay a duty on foreign manufactures of the material, the growth of which is desired to be encouraged, and to apply the produce of that duty, by way of bounty, either upon the production of the material itself, or upon its manufacture at home or upon both. In this disposition of the thing, the manufacturer commences his enterprise under every advantage which is attainable, as to quantity or price of the raw material; and the farmer, if the bounty be immediately to him, is enabled by it to enter into a successful competition with the foreign material. . . .

Except the simple and ordinary kinds of household manufacture, or those for which there are very commanding local advantages, pecuniary bounties are, in most cases, indispensable to the introduction of a new branch. A stimulus and a support, not less powerful and direct, is, generally speaking, essential to the overcoming of the obstacles which arise from the competitions of superior skill and maturity

elsewhere. Bounties are especially essential in regard to articles upon which those foreigners, who have been accustomed to supply a country, are in the practice of granting them.

The continuance of bounties on manufactures long established must almost always be of questionable policy; because a presumption would arise, in every such case, that there were natural and inherent impediments to success. But, in new undertakings, they are as justifiable as they are oftentimes necessary.

There is a degree of prejudice against bounties, from an appearance of giving away the public money without an immediate consideration, and from a supposition that they serve to enrich particular classes at the expense of the community.

But neither of these sources of dislike will bear a serious examination. There is no purpose to which public money can be more beneficially applied than to the acquisition of a new and useful branch of industry; no consideration more valuable than a permanent addition to the general stock of productive labor.

As to the second source of objection, it equally lies against other modes of encouragement, which are admitted to be eligible. As often as

a duty upon a foreign article makes an addition to its price, it causes an extra expense to the community for the benefit of the domestic manufacturer. A bounty does no more. But it is the interest of the society, in each case, to submit to the temporary expense — which is more than compensated by an increase of industry and wealth, by an augmentation of resources and independence, and by the circumstance of eventual cheapness. — *Report on Manufactures*, 1791. Vol. III, pp. 368–370.

THE BANK

THE BANK

The National Bank

This [a national bank] I regard, in some shape or other, as an expedient essential to our safety and success. . . . There is no other that can give to government that extensive and systematic credit which the defect of our revenues makes indispensably necessary to its operations. The longer it is delayed the more difficult it becomes. . . . I am aware of all the objections that have been made to public banks; and that they are not without enlightened and respectable opponents. But all that has been said against them only tends to prove that, like all other good things, they are subject to abuse, and when abused, become pernicious. . . . The tendency of a national bank is to increase public and private credit. The former gives power to the state, for the protection of its rights and interests: and the latter facilitates and extends the operations of commerce among individuals. Industry is increased, commodities are multiplied, agriculture and manufac-

tures flourish: and herein consists the true wealth and prosperity of a state. — *Letter to Robert Morris*, April 30, 1781. Vol. I, pp. 100–101.

MISCELLANEOUS

MISCELLANEOUS

Immigration

The safety of a republic depends essentially on the energy of a common national sentiment; on a uniformity of principles and habits; on the exemption of the citizens from foreign bias, and prejudice; and on that love of country which will almost invariably be found to be closely connected with birth, education, and family.

The opinion advanced in the Notes on Virginia is undoubtedly correct, that foreigners will generally be apt to bring with them attachments to the persons they have left behind; to the country of their nativity, and to particular customs and manners. They will also entertain opinions on government congenial with those under which they have lived; or, if they should be led hither from a preference to ours, how extremely unlikely is it that they will bring with them that *temperate love of liberty*, so essential to real republicanism? There may, as to particular individuals, and at particular times, be

occasional exceptions to these remarks,[1] yet such is the general rule. The influx of foreigners must, therefore, tend to produce a heterogeneous compound; to change and corrupt the national spirit; to complicate and confound public opinion; to introduce foreign propensities. In the composition of society, the harmony of the ingredients is all-important, and whatever tends to a discordant intermixture must have an injurious tendency.

The United States have already felt the evils of incorporating a large number of foreigners into their national mass; by promoting in different classes different predilections in favor of particular foreign nations, and antipathies against others, it has served very much to divide the community and to distract our councils. It has been often likely to compromit the interests of our own country in favor of another. The permanent effect of such a policy will be, that in times of great public danger there will be always a numerous body of men, of whom there may be just grounds of distrust; the suspicion alone will weaken the strength of the nation, but their force may be actually employed in assisting an invader. —

[1] Hamilton himself was a foreign immigrant. — EDITOR

"*Lucius Crassus*," 1802. Vol. VII, pp. 241–242.

Amendments to the Constitution

As the people are the only legitimate fountain of power, and it is from them that the constitutional charter, under which the several branches of government hold their power, is derived, it seems strictly consonant to the republican theory, to recur to the same original authority, not only whenever it may be necessary to enlarge, diminish, or new-model the powers of the government, but also whenever any one of the departments may commit encroachments on the chartered authorities of the others. The several departments being perfectly coordinate by the terms of their common commission, none of them, it is evident, can pretend to an exclusive or superior right of settling the boundaries between their respective powers; and how are the encroachments of the stronger to be prevented, or the wrongs of the weaker to be redressed, without an appeal to the people themselves, who, as grantors of the commission, can alone declare its true meaning, and enforce its observance?

There is certainly great force in this reasoning,

and it must be allowed to prove that a constitutional road to the decision of the people ought to be marked out and kept open, for certain great and extraordinary occasions. But there appear to be insuperable objections against the proposed recurrence to the people, as a provision in all cases for keeping the several departments of power within their constitutional limits.

In the first place, the provision does not reach the case of a combination of two of the departments against the third. If the legislative authority, which possesses so many means of operating on the motives of the other departments, should be able to gain to its interest either of the others, or even one third of its members, the remaining department could derive no advantage from its remedial provision. I do not dwell, however, on this objection, because it may be thought to be rather against the modification of the principle, than against the principle itself.

In the next place, it may be considered as an objection inherent in the principle, that as every appeal to the people would carry an implication of some defect in the government, frequent appeals would, in a great measure, deprive the government of that veneration

which time bestows on everything, and without which perhaps the wisest and freest governments would not possess the requisite stability. If it be true that all governments rest on opinion, it is no less true that the strength of opinion in each individual, and its practical influence on his conduct, depend much on the number which he supposes to have entertained the same opinion. The reason of man, like man himself, is timid and cautious when left alone, and acquires firmness and confidence in proportion to the number with which it is associated. When the examples which fortify opinion are *ancient* as well as *numerous*, they are known to have a double effect. In a nation of philosophers, this consideration ought to be disregarded. A reverence for the laws would be sufficiently inculcated by the voice of an enlightened reason. But a nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato. And in every other nation, the most rational government will not find it a superfluous advantage to have the prejudices of the community on its side.

The danger of disturbing the public tranquillity by interesting too strongly the public passions, is a still more serious objection against

a frequent reference of constitutional questions to the decision of the whole society. Notwithstanding the success which has attended the revisions of our established forms of government, and which does so much honor to the virtue and intelligence of the people of America, it must be confessed that the experiments are of too ticklish a nature to be unnecessarily multiplied. We are to recollect that all the existing constitutions were formed in the midst of a danger which repressed the passions most unfriendly to order and concord; of an enthusiastic confidence of the people in their patriotic leaders, which stifled the ordinary diversity of opinions on great national questions; of a universal resentment and indignation against the ancient government; and whilst no spirit of party connected with the changes to be made, or the abuses to be reformed, could mingle its leaven in the operation. The future situations in which we must expect to be usually placed, do not present any equivalent security against the danger which is apprehended.

But the greatest objection of all is, that the decisions which would probably result from such appeals would not answer the purpose of maintaining the constitutional equilibrium of gov-

ernment. . . . It [such an appeal] could never be expected to turn on the true merits of the question. It would inevitably be connected with the spirit of preexisting parties, or of parties springing out of the question itself. It would be connected with persons of distinguished character and extensive influence in the community. It would be pronounced by the very men who had been agents in, or opponents of, the measures to which the decision would relate. The *passions*, therefore, not the *reason*, of the public would sit in judgment. But it is the reason alone of the public, that ought to control and regulate the government. The passions ought to be controlled and regulated by the government. — *The Federalist.* Vol. IX, pp. 314–318.

Freedom of the Press

The liberty of the press consists, in my idea, in publishing the truth, from good motives and for justifiable ends, though it reflect on the government, on magistrates, or individuals. If it be not allowed, it excludes the privilege of canvassing men, and our rulers. It is vain to say, you may canvass measures. This is impossible without the right of looking to men.

To say that measures can be discussed, and that there shall be no bearing on those who are the authors of those measures, cannot be done. The very end and reason of discussion would be destroyed. Of what consequence to show its object? Why is it to be thus demonstrated, if not to show, too, who is the author? It is essential to say, not only that the measure is bad and deleterious, but to hold up to the people who is the author, that, in this our free and elective government, he may be removed from the seat of power. If this be not done, then, in vain will the voice of the people be raised against the inroads of tyranny. For, let a party but get into power, they may go on from step to step, and, in spite of canvassing their measures, fix themselves firmly in their seats, especially as they are never to be reproached for what they have done. This abstract mode, in practice, can never be carried into effect. But if, under the qualifications I have mentioned, the power be allowed, the liberty for which I contend will operate as a salutary check. In speaking thus for the freedom of the press, I do not say there ought to be unbridled license; or that the characters of men who are good will naturally tend eternally to support

themselves. I do not stand here to say that no shackles are to be laid on this license. — *Speech in the New York Supreme Court*, 1804. Vol. VII, pp. 339–340.

Internal Free Trade

An unrestrained intercourse between the States themselves will advance the trade of each by an interchange of their respective productions, not only for the supply of reciprocal wants at home, but for exportation to foreign markets. The veins of commerce in every part will be replenished, and will acquire additional motion and vigor from a free circulation of the commodities of every part. Commercial enterprise will have much greater scope, from the diversity in the productions of different States. When the staple of one fails from a bad harvest or unproductive crop, it can call to its aid the staple of another. The variety, not less than the value, of products for exportation contributes to the activity of foreign commerce. It can be conducted upon much better terms with a large number of materials of a given value than with a small number of materials of the same value; arising from the competitions of trade and from the fluctuations of markets.

Particular articles may be in great demand at certain periods, and unsalable at others; but if there be a variety of articles, it can scarcely happen that they should all be at one time in the latter predicament, and on this account the operations of the merchant would be less liable to any considerable obstruction or stagnation. The speculative trader will at once perceive the force of these observations, and will acknowledge that the aggregate balance of the commerce of the United States would bid fair to be much more favorable than that of the thirteen States without union or with partial unions.

It may perhaps be replied to this, that whether the States are united or disunited, there would still be an intimate intercourse between them which would answer the same ends; but this intercourse would be fettered, interrupted, and narrowed by a multiplicity of causes. . . . A unity of commercial, as well as political interests, can only result from a unity of government. — *The Federalist.* Vol. IX, pp. 65–66.

France

The generosity of France and the magnitude of the United States have often been suggested by some of our own citizens, and we are now

reproached with it by France herself. Gratitude is due for favors received; and this virtue may exist among nations as well as among individuals; but the motive of the benefit must be solely the advantage of the party on whom it was conferred, else it ceases to be a favor. There is proof positive that France did not enter into an alliance with us in 1778 *for our advantage*, but for her own. The whole course of the investigation, as well as a positive knowledge of the fact, proves this. She resisted all of our solicitations for effectual assistance for war for three years; and rose in her demand during the campaign of 1777, when our affairs presented the most threatening aspect. Memorials were presented in August and September of that year, while General Burgoyne's army arrived in December; fearing we might be able to do the business without them, the French court began to change its tone. In January the British minister gave notice in the House of Commons that he meant to propose terms of accommodation with America. The French ministry, on the arrival of this intelligence in France, immediately pressed the conclusion of the treaty which they had resisted for three years, and proposed terms much more favorable

for us than those our commissioner had offered, and they had refused three months before. The treaty was signed on the 8th of February. I perceive no generosity in all this. They did then as we have done now, and as every discerning nation will do — they regarded only their own interest and advantage, and not that of any other nation. In the interval between the declaration of independence and the alliance with France, that court sometimes ordered away our privateers, and sometimes restored their prizes. They refused to receive an ambassador or acknowledge our independence; all of which was for fear of bringing France prematurely into the war. The fact is, that the French spoke of very different terms, as the condition of their assistance before the capture of Burgoyne, from those actually agreed on afterwards. There can be no doubt that our success on that occasion, and the disposition it appeared to have produced in the British ministry, were the immediate causes of that alliance. It was certainly to interest of the French to unite with America in the war against Great Britain. They therefore acted right in doing this at last. — "*The Answer*," 1796. Vol. V, pp. 360–361.

Louisiana

Since the question of independence, none has occurred more deeply interesting to the United States than the cession of Louisiana to France [by Spain]. . . .

The strict right to resort at once to war, if it should be deemed expedient, cannot be doubted. A manifest and great danger to the nation; the nature of the cession to France, extending to ancient limits without respect to our rights by treaty; the direct infraction of an important article of the treaty itself, in withholding the deposit of New Orleans: either of these affords justifiable cause of war, and that they would authorize immediate hostilities, is not to be questioned by the most scrupulous mind.

The whole is then a question of expediency. Two courses only present: First, to negotiate, and endeavor to purchase; and if this fails, go to war. Secondly, to seize at once on the Floridas and New Orleans, and then negotiate. A strong objection offers itself to the first. There is not the most distant probability that the ambitious and aggrandizing views of Buonaparte will commute the territory for money. . . . The attempt, therefore, to purchase . . . will

certainly fail. . . . The second plan is, therefore, evidently the best. . . . If the President would adopt this course, he might yet retrieve his character, induce the best part of the community to look favorably upon his political career, exalt himself in the eyes of Europe, save the country, and secure a permanent fame. But, for this, alas! Jefferson is not destined.[1]— "*Pericles*," 1803. Vol. V, pp. 465–467.

War

This plan [of France to capture neutral ships] is pregnant with the worst evils, which are to be dreaded from the declared and unqualified hostility of any foreign power. If France, after being properly called upon to renounce it, shall persevere in the measure, there cannot be a question but that open war will be preferable to such a state. By whatever name treachery or pusillanimity may attempt to disguise it, 't is in fact war of the worst kind, *war on one side*. If we can be induced to submit to it longer than is necessary to ascertain that it

[1] He was "destined" before May 2 to sign a treaty by which he bought the immense empire peaceably for the incredibly small sum of $15,000,000. — Editor

cannot be averted by negotiation, we are undone as a people. Whether our determination shall be to coop up our trade by embargoes, or to permit our commerce to continue to float an unprotected prey to French cruisers, our degradation and ruin will be equally complete. The destruction of our navigation and commerce, the annihilation of our mercantile capital, the dispersion and loss of our seamen — obliged to emigrate for subsistence — the extinction of our revenue, the fall of public credit, the stagnation of every species of industry, the general impoverishment of our citizens, — these will be minor evils in the dreadful catalogue. Some years of security and exertion might repair them. But the humiliation of the American mind would be a lasting and a mortal disease in our social habit. Mental debasement is the greatest misfortune that can befall a people. The most pernicious of conquests which a state can experience is a conquest over that just and elevated sense of its own rights which inspires a due sensibility to insult and injury; over that virtuous and generous pride of character, which prefers any peril or sacrifice to a final submission to oppression, and which regards national ignominy as the greatest of

national calamities. — "*The Warning*," 1797. Vol. V, pp. 376–377.

The Navy

A further resource for influencing the conduct of European nations toward us, in this respect, would arise from the establishment of a federal navy. There can be no doubt that the continuance of the Union under an efficient government, would put it in our power, at a period not very distant, to create a navy which, if it could not vie with those of the great maritime powers, would at least be of respectable weight if thrown into the scale of either of the two contending parties. This would be more peculiarly the case in relation to operations in the West Indies. A few ships of the line, sent opportunely to the reinforcement of either side, would often be sufficient to decide the fate of a campaign. . . . A price would be set not only upon our friendship but upon our neutrality. By a steady adherence to the Union, we may hope, ere long, to become the arbiter of Europe in America, and to be able to incline the balance of European competitions in this part of the world as our interest may dictate. — *The Federalist*. Vol. IX, p. 62.

The Militia

I expect we shall be told that the militia of the country is its natural bulwark, and would be at all times equal to its national defence. This doctrine, in substance, had like to have lost us our independence. It cost millions to the United States that might have been saved. The facts which, from our own experience, forbid a reliance of this kind, are too recent to permit us to be the dupes of such a suggestion. The steady operations of war against a regular and disciplined army can only be successfully conducted by a force of the same kind. Considerations of economy, not less than of stability and vigor, confirm this position. The American militia, in the course of the late war, have, by their valor on numerous occasions, erected eternal monuments to their fame; but the bravest of them feel and know that the liberty of their country could not have been established by their efforts alone, however great and valuable they were. War, like most other things, is a science to be acquired and perfected by diligence, by perseverance, by time, and by practice. — *The Federalist.* Vol. IX, p. 150.

Foreign Property in Case of War

The right to seize and confiscate individual property, in national wars, excludes all those cases where the individual derives his title from the enemy sovereign or nation: for the right to property always implies the right to be protected and secured in the enjoyment of that property; and a nation, by the very act of permitting the citizen of a foreign country to acquire property within its territory, whether to lands, funds, or to any other thing, tacitly engages to give protection and security to that property, and to allow him as full enjoyment of it as any other proprietor — an engagement which no state of things between the two nations can justly or reasonably affect. Though politically right, that, in wars between nations, the property of private persons, which depend on the *laws of their own country*, or on *circumstances foreign to the nation with which their own is at war*, should be subject to seizure and confiscation by the enemy nation; yet it is both politically and morally wrong, that this should extend to property acquired under the faith of the government, and the laws of the enemy nation.

When the government enters into a contract with the citizen of a foreign country, it considers him *as an individual in a state of nature, and contracts with him as such.* It does not contract with him as *the member of another society.*

The contracts, therefore, with him cannot be affected by his political relations to that society. War, whatever right it may give over his other property, can give none over that which he derives from those contracts. The character in which they are made with him, the faith pledged to him personally, virtually exempt it.

This principle, which seems critically correct, would exempt as well the income as the capital of the property. It protects the use as effectually as the thing. What, in fact, is property, but a fiction, without the beneficial use of it? In many cases, indeed, the *income* or *annuity* is the property itself. And, although general usage may control the principle, it can only be as far as the usage clearly goes. It must not be extended by analogy.

Some of the most approved publicists, admitting the principle, qualify it with regard to the income of lands, which they say may be sequestered "to hinder the remittance of it to the enemy's country."

But the same authority affirms that a state of war "does not so much *as touch* the sums which it owes to the enemy. *Everywhere*, in case of a war, funds credited to the public, are exempt from confiscation and *seizure*." These expressions clearly exclude sequestration as well as confiscation.

The former no less than the latter, would be inconsistent with the declarations that a state of war does not *so much as touch* the sums which it owes to the enemy, and, that funds credited to the public are exempt from *seizure*. And, on full inquiry, it is believed that the suggestion, thus understood, is founded in fact.

Usage, then, however it may deviate in other particulars, in respect to public funds, concurs with principle in pronouncing, that they cannot rightfully be sequestrated in time of war. — *Report on the Public Credit*, 1795. Vol. III, pp. 33–35.